

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
OCTOBER 8, 2013**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM SEPTEMBER 10, 2013

III. STAFF COMMENTS AND PROCEDURES

1. UDO Amendments
2. Master Land Use Plan Amendment from Unclassified to Office, Research and Light Industrial (ORLI) located at 12010 Old Highway 71 (companion item to items #3 & #8)
3. Rezoning #15-10-13; A request by Alan Lewis, agent for KMW Properties, LLC, for a zone change from Not Zoned to Industrial Light (I-1) by Classification located at 12010 Old Highway 71. (companion item to items #2 & #8)
4. Conditional Use #28-10-13; A request by Craig Roberts, agent for KMW Properties, for a conditional use to increase in size from 378 square feet to 480 square feet for an outdoor advertising sign located at 4896 I-540.
5. Conditional Use #29-10-13; A request by Craig Roberts, owner, for a conditional use to increase in size from 378 square feet to 480 square feet for an outdoor advertising sign located at 3971 I-540 North.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

6. Variance #30-10-13; A request by Michael Martin, agent for Randall Stark, for a variance from 10 feet to 0 feet rear yard setback located at 5300 South "U" Street.
7. Variance #32-10-13; A request by Max Myers, Jr., agent for Insite Towers, LLC, for a variance from 100 feet to 3.7 feet interior side yard setback located at 3117 State Line Road.

623 Garrison Avenue
P.O. Box 1908
FORT SMITH, ARKANSAS 72902
(479) 784-2216
FAX (479) 784-2462

8. Variance #33-10-13; A request by Alan Lewis, agent for KMW Properties LLC, for a variance from major arterial to local street required minimum street access located at 12010 Old Highway 71 South. (companion item to items #2 & #3)
9. Variance #34-10-13; A request by Michael Johnson, agent for Barry Rowton, for a variance from: 1) 100 feet to 78 feet and 100 feet to 90 feet minimum separation between driveways; 2) from Section 27-602-3(B)(1) requiring a 10' wide landscape area located on the property parallel and adjacent to the public street right-of-way; and 3) from Section 27-602-3(B)(2) landscaping requirement for a portion of the east property frontage located at 4465 Savannah Street.
10. Variance #35-10-13; A request by Bart Petray, agent, for Sallye Parker, from 25' to 15' to amend a previously approved front-yard setback to enclose a patio located at 5610 Enid Street.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30PM
SEPTEMBER 10, 2013**

On roll call, the following Commissioners were present: Brandon Cox, Marshall Sharpe, Vicki Newton, Don Keesee, Rett Howard, Michelle Hood and Bob Cooper, Jr., Commissioners Richard Spearman and Jennifer Parks were absent.

Motion was made by Commissioner Howard, seconded by Commissioner Cox, and carried unanimously to approve the minutes from the August 13, 2013, Planning Commission meeting as written.

Mr. Wally Bailey introduced Michelle Hood as the new Planning Commissioner

Mr. Wally Bailey spoke on procedures:

1. UDO Amendments

Mr. Wally Bailey requested this item be tabled until a special a meeting of the Planning Commission could be held to discuss the proposed UDO Amendments. Motion was made by Commissioner Howard, seconded by Commissioner Newton, and carried unanimously to table this item.

Chairman Sharpe called for the vote to table this request. The vote was 7 in favor 0 opposed.

- 2. Rezoning #14-9-13; A request by Steve Beam for a zone change from Not Zoned to Industrial Moderate (I-2) by Extension located at 11508 Roberts Boulevard. (companion item to items #3 & #5)**
- 3. Conditional Use #25-9-13; A request by Steve Beam for a conditional use for a nonmetallic manufacturing and mining plant located at 11508 Roberts Boulevard. (companion item to items #2 & #5)**
- 5. Variance #28-9-13; A request by Steve Beam for a variance from the perimeter landscape requirements located at 11508 Roberts Boulevard. (companion item to items #2 & #3)**

Mr. Wally Bailey read the staff reports indicating that the purpose of this request is to facilitate development of a pre-cast concrete facility. Mr. Wally stated that a neighborhood meeting was

held on Friday, August 30, 2013, at 10:30 a.m. on site with no neighboring property owners in attendance

Mr. Steve Beam was present to speak on behalf of these requests.

No one was present to speak in opposition to these requests.

Following discussion by the Commission, Chairman Sharpe called for the vote on these requests. It was noted that the variance request would need to be voted on prior to voting on the other request.

RECESS PLANNING COMMISSION CONVENE BOARD OF ZONING ADJUSTMENT

5. Variance #28-9-13; A request by Steve Beam for a variance from the perimeter landscape requirements located at 11508 Roberts Boulevard. (companion item to items #2 & #3)

Chairman Sharpe called for the vote on the variance request. Motion was made by Commissioner Howard, seconded by Commissioner Newton, and carried unanimously to amend the variance request to make approval subject to the following:

- All construction must comply with the approved development plan
- Install landscaping in between the buildings and in other open areas as highlighted in green and as shown on the site plan

Chairman Sharpe called for the vote on the variance requests. The vote was 7 in favor and 0 opposed.

RECESS PLANNING COMMISSION RECONVENE PLANNING COMMISSION

2. Rezoning #14-9-13; A request by Steve Beam for a zone change from Not Zoned to Industrial Moderate (I-2) by Extension located at 11508 Roberts Boulevard. (companion item to items #3 & #5)

Chairman Sharpe called for the vote on the rezoning request. Motion was made by Commissioner Howard, seconded by Commissioner Cox, and carried unanimously to amend this request to make approval subject to the following;

- All construction must comply with the approved development plan.
- Any significant change to the approved development plan or new development

proposed will require approval by the Planning Commission

Chairman Sharpe called for the vote on the rezoning request as amended. The vote was 7 in favor and 0 opposed

3. Conditional Use #25-9-13; A request by Steve Beam for a conditional use for a nonmetallic manufacturing and mining plant located at 11508 Roberts Boulevard. (companion item to items #2 & #5)

Chairman Sharpe called for the vote on the conditional use request. Motion was made by Commissioner Cox, seconded by Commissioner Howard, and carried unanimously to amend this request to make approval subject to the following.

- All construction must comply with the approved development plan
- Any significant change to the approved development plan or any new development will require approval by the Planning Commission
- Approval by the Chaffee Crossing - Design Review Committee
- The installation of perimeter landscaping or the approval or amendment of the companion variance application
- Approval of the rezoning application by the City Board of Directors
- All signs shall require a separate sign permit submittal and shall comply with the UDO and the Chaffee Crossing Design Guidelines upon submittal
- If exterior lighting is provided in the future, it shall not produce glare, light trespass (a nuisance light and/or unnecessary sky glow; as required by Section 27-6025 of the UDO.
- Where used for security purposes or to illuminate walkways, roadways and parking lots, only shielded light fixtures shall be used; The exterior lighting shall be of an approved fixture type with the Chaffee Crossing Design Guidelines.

Chairman Sharpe called for the vote on the conditional use request as amended. The vote was 7 in favor and 0 opposed

Motion was made by Commissioner Cox to amend, seconded by Commissioner Howard
The vote was 7 for and 0 opposed

4. Conditional Use # 26-9-13; A request by Josh Niles, agent for Charles Farnam, for an auto and vehicle impoundment or holding yard located at 1302 South Zero Street.

PROPOSED CONDITIONAL USE

Ms. Brenda Andrews read staff reports indicating that the purpose of the conditional use request is to allow the applicant to operate an auto and vehicle impoundment or holding yard at this location.

Ms. Andrews also stated that on July 9, 2013, the Planning Commission denied the applicant's previous Conditional use application by a vote of 4 in favor and 4 opposed, Upon the applicant's appeal to the Board of Directors, the Bod upheld the Planning Commission's decision to deny the conditional use permit with a vote of 6 in favor and 1 opposed.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the conditional request. Motion was made by Commissioner Howard, second by the Commissioner Newton and carried unanimously to amend this request to make approval subject to the following.

- All construction must comply with the submitted development plan which includes the drawing, the written statement of conditions from Absolute Towing and Planning Commission amendments.
- The plan shows access to the site will be from the driveway in front of the office building. The existing driveway across the frontage in front of the fenced area will not be used.
- The plan shows the fence along the South Zero Street frontage to be at least 10 feet back from the property line or right of way line. Landscaping will be installed in the 10 feet. The landscaping materials will be shrubs and trees such as an evergreen holly and crepe myrtles. The shrubs shall be at least 24" at the time of planting and 3 feet on center. The trees shall be at least 2"-caliper at time of planting. A final landscape plan shall be approved by the City Planning Department staff before installation.
- An irrigation system or maintenance plan shall be provided and all plans shall be maintained in compliance with the conditions of the UDO.
- The perimeter fence around the holding yard shall comply with the photographs submitted and shown to the Planning Commission. The fence will be a cedar wood fence with a top rail.
- All site lighting, if installed, shall comply with the specifications in the UDO.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 7 in favor and 0 opposed.

RECESS PLANNING COMMISSION
RECONVENE BOARD OF ZONING ADJUSTMENT

6. **Variance #29-9-13; A request by Bill Hansen for a variance from the perimeter landscaping and parking lot screening requirements located at 1208 N Waldron Road.**

Ms. Brenda read staff reports indicating that the purpose of this variance request is to eliminate the perimeter and parking lot screening landscaping along North Waldron Road. Ms. Andrews noted that a neighborhood meeting was held on Friday, August 13, 2013, at 1208 North Waldron Road with no surrounding property owners in attendance.

It was noted that staff had reviewed the survey and compared it to the Waldron road widening plans. Staff also spoke with the surveyor on who believed the right of way was at or near the back of the curb for the parking lot and not three feet inside the parking lot. Ms. Brenda Andrews stated the Board of Zoning Adjustment agreed with the proposed hardship, Staff recommended a compromise that would include approval of the variance request to eliminate the perimeter/parking lot screening landscaping.

Also, during the study session it was discussed that the existing sign on the property shall be removed to comply with the conditions of the previous variance approval.

Mr. Bill Hansen and Mr. Roger Winton spoke on behalf of the variance request

No one spoke in opposition to the request.

Chairman Sharpe then called for the vote on the variance request. Motion was made by Commissioner Howard, seconded by Commissioner Cox and carried unanimously to amend this request to make approval subject to the following.

- The installation of landscaping in the islands which are shaded on the site plan. The islands shall be planted with shrubbery, trees, etc. from the recommended planting guidelines in the UDO. Trees and shrubbery equivalent to or greater than what would have been planted in the 10' perimeter landscaping shall be installed in the islands.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 7 in favor and 0 opposed.

Meeting Adjourned!

Memo

To: City Planning Commission
From: Planning Staff
Date: October 3, 2013
Subject: Zoning Ordinance Amendments – Unified Development Ordinance

This month, Planning Staff has prepared two amendments for your consideration:

- Before the adoption of the Unified Development Ordinance, *Auto Parts and Accessory Sales* was permitted by right in the Commercial Light (C-2) zoning district. When the UDO was adopted the use was removed from the Commercial Light (C-2) zoning district thus creating several nonconforming businesses. Staff is requesting to make *Auto Parts and Accessory Sales* a Conditional Use in the Commercial Light zoning district.
- Section 27-704-4 (C) regarding outdoor advertising regulations uses the term street instead of right-of-way. This amendment simply makes that correction to make the ordinance consistent and clear.

All changes are highlighted on the attached page.

Should the Planning Commission agree, we ask that a recommendation be made to the Board of Directors to amend the UDO.

Appendix A

Fort Smith Use Matrix																									
	</																								

1B

cause the allowable pedestal or monument sign area to be reduced by the amount of directional signage area.

(Ord. No. 3391, as amended, § 10-10(C), 11-1-76; Ord. No. 49-92, §§ 1, 2, 8-4-92; Ord. No. 60-95, § 1, 9-5-95)

27-704-3 Permitted signs in open, commercial and industrial zones

The following types of signs are permitted in open, commercial or industrial zones.

- (1) All free-standing signs shall not exceed one (1) square foot in area per linear foot of frontage with a maximum area not to exceed three hundred (300) square feet.
- (2) All single face, facade (wall) signs are unlimited in size if placed directly on and are contained totally within the dimensions of the outside wall.

- (3) Outdoor advertising signs shall comply with section 27-704-4.

(Ord. No. 3391, as amended, § 10-10(D), 11-1-76; Ord. No. 64-99, § 3, 10-5-99)

27-704-4 Outdoor advertising signs

- (a) Outdoor advertising signs are to be considered as a specific use, rather than an incidental use to an existing land use, in that outdoor advertising signs produce a revenue to the property owner as a land use while the advertising message carried by business signs does not produce a revenue but is incidental to a revenue-producing land use. Because of the special characteristics of outdoor advertising signs as compared with other types of land uses and structures, certain qualifications and requirements are set forth below in connection with outdoor advertising signs as a permitted use.
- (b) Outdoor advertising signs are permitted in all Industrial zones, Commercial-4 zones, Commercial-5 zones, ETJ Industrial Light zones, and ETJ Industrial Moderate zones. They may be permitted in ETJ Open-1 zones by the planning commission's approval of a Conditional Use request.
- (c) No outdoor advertising sign structure of any size shall be permitted to be erected closer than one thousand (1,000) feet from an existing outdoor advertising sign structure which is larger than thirty-five (35) square feet in sign area. No more than four (4) outdoor advertising sign structures (over thirty-five (35) feet in area) per statute mile are permitted. All distances between two sign

1C

structures or between any four (4) outdoor advertising sign structures, irrespective of which side of the street right-of-way one (1) or more of the four (4) structures may be located, shall be measured along a line parallel to the street right-of-way and from the centers of the closest support poles.

- (d) No outdoor advertising sign shall be permitted to be erected closer than two hundred fifty (250) feet from any residentially zoned or developed property. The distance shall be measured from the property line of the residentially zoned or developed property closest to the subject sign to the center of the nearest support pole of the sign.

Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: September 24, 2013

Re: Proposed Master Land Use Plan Amendment for 12010 Old Highway 71 from
Unclassified to Office, Research and Light Industrial (ORLI)

As a companion application to the rezoning application for 12010 Old Highway 71, the Planning Department has prepared an application to amend the *Master Land Use Plan* from Not Classified to Office, Research and Light Industrial to accommodate a proposed zoning to Industrial Light (I-1). The subject property is on the northwest corner of the intersection of Spring Mountain Road and Old Highway 71. The tract contains an area of approximately 9.6 acres with approximately 1082 feet of street frontage along Spring Mountain Road and approximately 390 feet of street frontage along Old Highway 71.

The existing zoning of the site is Not Zoned (NZ). A companion application proposes the Industrial Light (I-1) zoning district by classification. The *Master Land Use Plan* is a guide to zoning and development and must be considered with the companion application.

ADJACENT LAND USE CLASSIFICATIONS AND USES

Land Use classification and use contiguous to the subject lot are as follows:

The areas to the north are classified as ETJ Neighborhood Commercial (NC) and ETJ Low Density Residential (LDR) and contain undeveloped areas and an area developed with one residence.

The area to the east is unclassified and is developed as commercial (Sugar Shack, a liquor store and offices).

The areas to the south are unclassified and ETJ Low Density Residential (LDR) and developed as an electrical contractor and undeveloped areas.

The area to the west is classified as ETJ Light Industrial and is developed as a rural fire station and undeveloped areas.

The proposed Land Use classification of Office, Research and Light Industrial (ORLI) is described as follows:

2A

To provide opportunities for clean, indoor, minimum impact, research, development, assembly, manufacturing, warehousing, distribution, and supportive goods and services.

Characteristics and Use:

Criteria for Designation:

Compliance Noted

- | | |
|--|------|
| • Compatible with and complimentary to surrounding uses. | YES* |
| • Located on high volume arterials and collectors | NO** |
| • Located as a cluster of like services | NO |
| • Accessible by most modes of transportation | YES |
| • Appropriately located for minimum impact of adjacent uses, and, by volume of activity and trips generated by use | YES |

* Prior to annexation in 2005, the property's land use classification was ETJ Light Industrial.

** The applicant has submitted an application requesting a variance from the minimum street access of major arterial or higher.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies both Spring Mountain Road and Old Highway 71 as Local Roads.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting will be held on Friday, October 4, 3 p.m., at the site. A summary of the neighborhood meeting will be provided at the planning commission meeting. Staff has received an e-mail from Jimmy Didier, a surrounding property owner, who objects to the proposed master land use plan and zoning. Mr. Didier states that the proposed industrial zoning will decrease the value of his commercial properties. A copy of Mr. Didier's e-mail is enclosed.

Based on the previous ETJ Industrial land use classification, staff recommends approval of the application to amend the land use classification to Office, Research and Light Industrial (ORLI).

2B

Andrews, Brenda

From: Jimmy Didier [jdidier@didierllc.com]
Sent: Tuesday, October 01, 2013 6:16 AM
To: Andrews, Brenda
Subject: 12010 Old Highway 71 South Rezoning request

Brenda, I will not be able to attend the neighborhood meeting planned for October 4, 2013 but I would like to submit my thoughts with regard to rezoning this property to I-1. As you are aware Didier Properties LLC owns the development across the street to the east of this property. There are seven commercial properties zoned C3-SPL. We designed and built this development based upon the master land use plan developed by the City of Fort Smith. I feel the industrial zoning request submitted to rezone the property to I-1 will decrease the value of my development as well as impact my vision as well as the City of Fort Smith development of the Rye Hill area. We have a great thing going on with the steady planned development of this area and I don't want to see anything degrade this area. With this being said, I strongly disagree with any zoning change beyond C3-SPL. I would support the C3-SPL zoning request or residential, duplex, condo, etc. I would ask the Fort Smith Planning Commission as well as the City of Fort Smith planning department to deny this request for I-1 zoning.

Thanks,
Jimmy Didier

Application Type

☒ Minor Amendment ☐ Standard Amendment ☐ Major Amendment (See Section 27-328-5 C. (Criteria))

☐ Request to Amend Text

☒ Request to Amend Map

Applicant Name: Fort Smith Planning Department

Firm Name: N/A

Address: 623 Garrison Avenue, Fort Smith, AR 72901

Phone (day): 479 784-2216 Phone (cell): N/A Fax: 479-784-2462

Owner Name: KMW properties, LLC

Owner Address: 60 South 6th Street, Fort Smith, AR 72901

Phone (day): N/A Phone (cell): N/A Fax: N/A

Property Address (subject property): 12010 Old Highway 71

Subject Property

Current Land Use: Storage

Existing
MLUP
Classification: Unclassified

Proposed
MLUP
Classification: Office, Research and Light Industrial

Existing
Zoning
Classification: Not Zoned

Proposed
Zoning
Classification: Industrial Light

Surrounding Property

Current Land Use:

North: Undeveloped and residential

South: undeveloped and commercial

East: Undeveloped and commercial

West: Undeveloped

Existing MLUP
Classification:

North: ETJ Commercial Neighborhood and ETJ Low Density Residential

South: ETJ Low Density Residential and Unclassified

East: Unclassified

West: ETJ Light Industrial

Existing Zoning
Classification:

North: ETJ Open-1

South: ETJ Open-1 and Commercial Heavy (C-5)

East: Commercial Moderate (C-3)

West: ETJ Industrial Light

Pre-Application
Meeting Date:

N/A

For a Minor, Standard or Major Master Land Use Plan Amendment, please attach the following information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

1. A legal description of the subject property that is to be amended (reclassified).
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.
3. The area dimensions of the property in square feet or acres.
4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:

The property has access to Spring Mountain Road and Old Highway 71, both of which are paved and in good condition. The proposed development will have minimal impact on the existing roads and traffic conditions.

5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilities and infrastructure to the property if necessary:

Existing services are available at the property.

6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:

The proposed Industrial Light zoning permits a maximum of 75% lot coverage

7. Identify any known or anticipated environmental concerns:

None are known or anticipated.

2F

For a Standard or Major Master Land Use Plan Amendment only, please attach the following additional information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of:

a. Describe potential changes to development patterns in terms of local and regional impacts:

N/A

b. Describe the consistency in zoning between existing and planned uses:

N/A

c. Provide explanation of the need for and demand in the proposed uses:

N/A

9. Provide an analysis of the long term development plan for the area (10-20 years) which incorporates a review of the land use, transportation, and infrastructure impact to both the City of Fort Smith and the property owner:

N/A

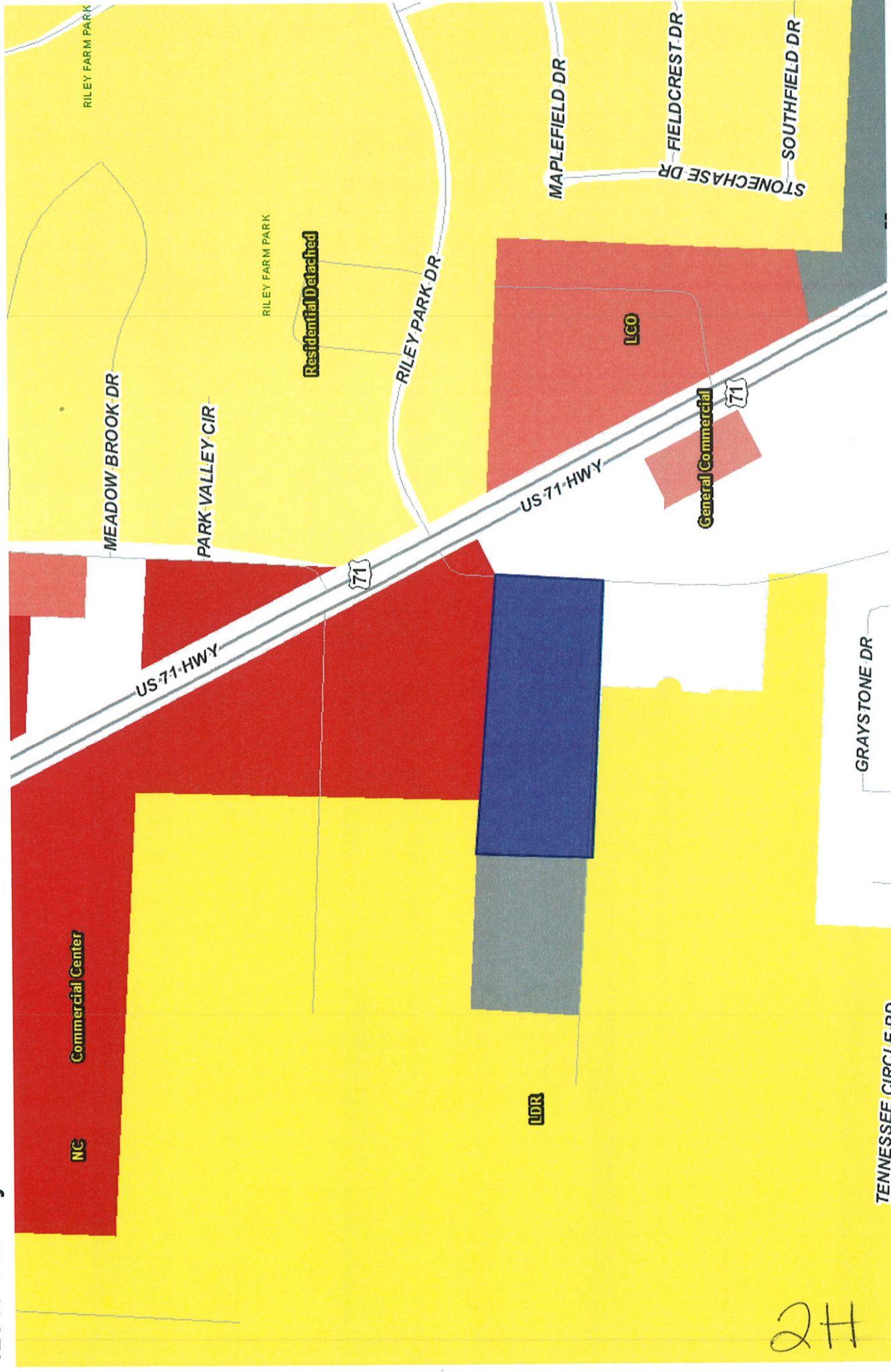
For a Comprehensive Plan-Text Amendment only, please attach the following information. Provide answers on a separate sheet and attach it to this application:

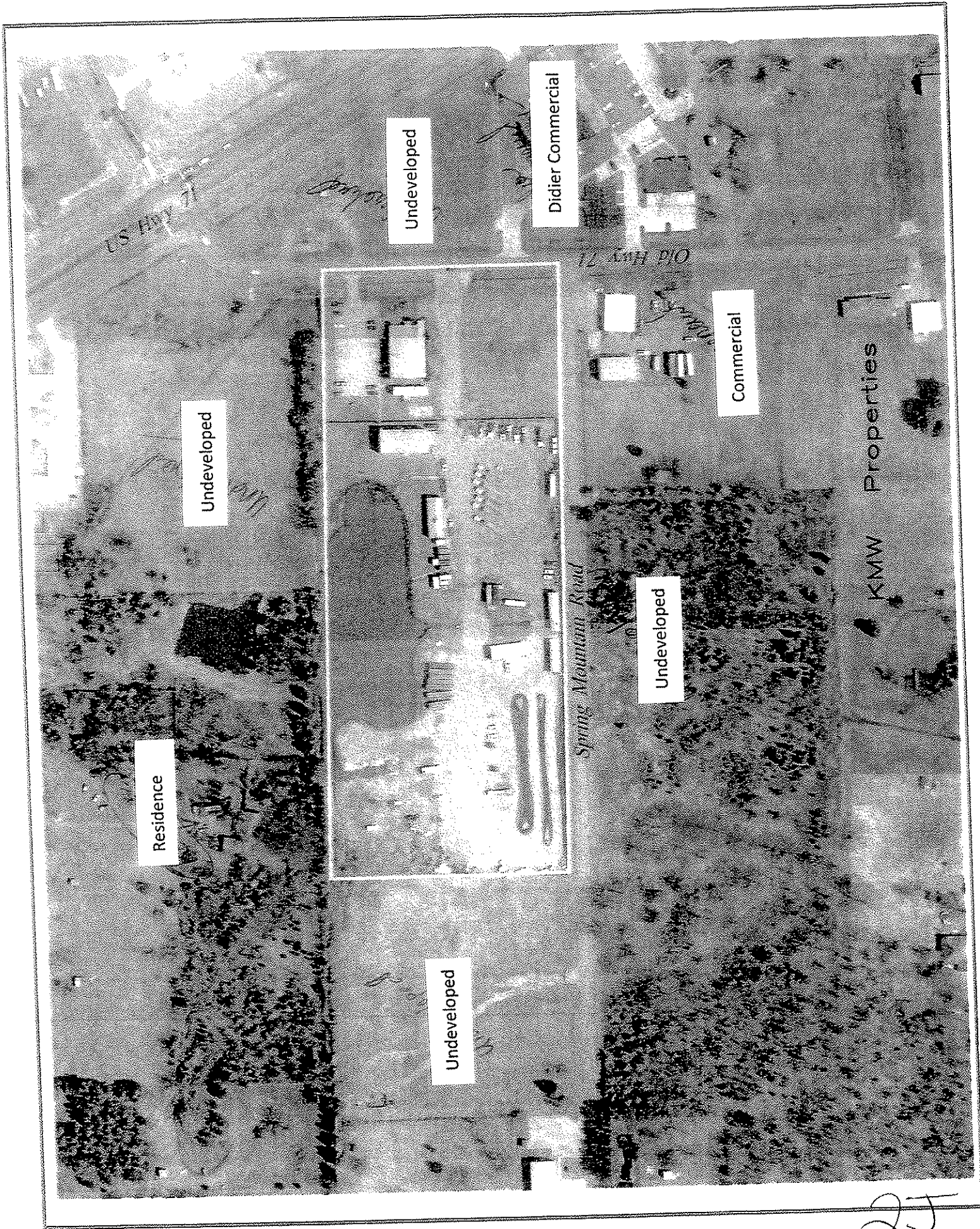
1. A typewritten copy of the proposed changes to the text in underline/strikeout (also known as "track changes") format.
2. A description of the reasons supporting the amendment and the special circumstances requiring the change.

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Master Land Use Amendment: From Unclassified to Office, Research and Light Industrial

12010 Old Hwy 71 S





Residence

Undeveloped

Undeveloped

Didier Commercial

Commercial

Undeveloped

Undeveloped

Spring Mountain Road

Old Hwy 71

KMW Properties

KMW

Properties

25

Memo

To: City Planning Commission

From: Planning Staff

Date: September 24, 2013

Re: Rezoning #15-10-13 - A request by Alan Lewis, agent, for Planning Commission consideration of a zoning request from Not Zoned to Industrial Light (I-1) by classification at 12010 Old Highway 71

LOT LOCATION AND SIZE

The subject property is on the northwest corner of the intersection of Spring Mountain Road and Old Highway 71. The tract contains an area of approximately 9.6 acres with approximately 1082 feet of street frontage along Spring Mountain Road and approximately 390 feet of street frontage along Old Highway 71.

EXISTING ZONING

Not Zoned.

REQUESTED ZONING

The existing zoning on this tract is Industrial Light (I-1).
Characteristics of this zone are as follows:

Purpose:

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light district may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 zoning district is appropriate with the Office, Research, and Light Industrial (ORLI) and Industry classifications of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a wide variety of retail businesses, indoor flea market, pawnshop, financial services, offices, bar or tavern, restaurant, animal and pet services, oil and gas equipment (sales and service), and commercial communication towers are examples of permitted uses.

Conditional Uses:

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet	Maximum Height - 45 feet (1+1)
	Maximum Lot Coverage - 75%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres	
	Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 10 feet

Rear Yard Setback - 10 feet

Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)

Minimum building separation – to be determined by current City building and fire code.

Required street access – Major Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned ETJ Open-1 and contain undeveloped areas and an area developed with one residence.

The areas to the east are zoned Commercial Moderate (C-3) and Not Zoned and are developed as commercial (Sugar Shack, liquor store, and offices).

The areas to the south are zoned Commercial Heavy (C-5) and ETJ Open-1 and are developed as an electrical contractor and undeveloped areas.

The area to the west is zoned ETJ Industrial Light (I-1) developed as a rural fire station and undeveloped areas.

LAND USE PLAN COMPLIANCE

The *Master Land Use Plan* currently classifies the site as Unclassified. A companion application requests a land use classification of Office, Research and Light Industrial (ORLI) for the property.

PROPOSED ZONING

The requested Industrial Light zoning will facilitate the use of the property as storage for portable storage containers.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting will be held Friday, October 4, 3:00 p.m., at the site. A summary of the neighborhood meeting will be provided at the commission meeting.

Staff has received an e-mail from Jimmy Didier, a surrounding property owner, who objects to the proposed master land use plan and zoning. Mr. Didier states that the proposed industrial zoning will decrease the value of his commercial properties. A copy of Mr. Didier's e-mail is enclosed.

Prior to the annexation of this property in 2005, the property's land use classification was ETJ Light Industrial and the zoning was ETJ Open-1. At the time of annexation, the property was utilized as an office for storage for oil and gas field equipment. When the property was annexed into the city in 2005, the owners were not required nor did they request a zoning district designation for this property.

Without zoning on the property, the existing land use on the property could continue as a legal non-conforming use. However, no expansions or intensifications of land use are permitted nor can any permits be issued for expansions or new construction without a proper zoning classification on the property. Recent discussions about an additional use or expansion/intensification of use on the property and the need for permits, is the reason for the request for a zoning classification at this time.

The proposed Industrial Light (I-1) zoning is considered a corrective zoning and is consistent with the previous ETJ land use classification prior to annexation.

Should the Planning Commission approve the zoning request, staff recommends the approval be contingent upon the following.

1. Approval of the companion variance and Master Land Use Plan Amendment.

Andrews, Brenda

From: Jimmy Didier [jdidier@didierllc.com]
Sent: Tuesday, October 01, 2013 6:16 AM
To: Andrews, Brenda
Subject: 12010 Old Highway 71 South Rezoning request

Brenda, I will not be able to attend the neighborhood meeting planned for October 4, 2013 but I would like to submit my thoughts with regard to rezoning this property to I-1. As you are aware Didier Properties LLC owns the development across the street to the east of this property. There are seven commercial properties zoned C3-SPL. We designed and built this development based upon the master land use plan developed by the City of Fort Smith. I feel the industrial zoning request submitted to rezone the property to I-1 will decrease the value of my development as well as impact my vision as well as the City of Fort Smith development of the Rye Hill area. We have a great thing going on with the steady planned development of this area and I don't want to see anything degrade this area. With this being said, I strongly disagree with any zoning change beyond C3-SPL. I would support the C3-SPL zoning request or residential, duplex, condo, etc. I would ask the Fort Smith Planning Commission as well as the City of Fort Smith planning department to deny this request for I-1 zoning.

Thanks,
Jimmy Didier

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)
See attached Exhibit "A"
2. Address of property: 12010 Old Highway 71, Fort Smith, AR 72916
3. The above described property is now zoned: Not Zoned
4. Application is hereby made to change the zoning classification of the above described property to I-1 by classification.
(Extension or classification)
5. Why is the zoning change requested?
This Property was annexed into the City of Fort Smith in 2005.
It was not zoned at the time of annexation. Requested rezoning
is consistent with land uses in place since annexation.
6. Submit any proposed development plans that might help explain the reason for the request.

Alan Lewis

Owner or Agent Name
(please print)

5414 Pinnacle Point Dr., Ste. 500
Rogers, AR 72758

Owner or Agent Mailing Address

(479) 464-5656

Owner or Agent Phone Number

Signed:
KMW Properties, LLC

Owner


Agent

3

LEGAL DESCRIPTION:
TRACTS 4 & 5 RTE HILL ESTATES
BEING A PART OF THE SOUTHEAST QUARTER (SE1/4)
OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 32 WEST

[illegible]

RECEIVED APR 28 2006

36-



Conditional Use

Memo

To: City Planning Commission

From: Planning Staff

Date: September 27th, 2013

Re: Conditional Use #28-10-13 - A request by Craig Roberts, agent for KMW Properties, for Planning Commission consideration of a Conditional Use request to increase in size from 378 square feet to 480 square feet for an outdoor advertising sign located at 4896 I-540 North

LOT LOCATION AND SIZE

The subject property is on the north side of Phoenix Avenue across from South 46th Street. The tract has approximately 938 feet of street frontage along Phoenix Avenue.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5).
Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

4A

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet
Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 75%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 14,000 square feet
Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 20 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 30 feet
Minimum building separation – to be determined by current City building and fire code.
Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Industrial Light (I-1) and is developed as Interstate 540 right-of-way.

The area to the east is zoned Commercial Heavy Special (C-5-SPL) and is developed as Academy Sports & Outdoors.

The areas to the south are zoned Industrial Light (I-1) and are developed as Fed Ex and a heating and air conditioning contractor.

The area to the west is zoned Industrial Light (I-1) and is developed as Interstate 540 right-of-way.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

4B

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community. Approval of the Conditional Use will not conflict with the goals and objectives of the Unified Development Ordinance.

PROPOSED CONDITIONAL USE

The conditional use request for the proposed sign located at 4896 I-540 North is to allow the previously approved 378 s.f. sign to increase in size to 480 square feet. The applicant has submitted a letter stating that if the Conditional Use is approved they will remove the double stacked two sided sign located on Hwy 71 South (atop of Rye Hill). Please refer to the photos of the sign to be removed provided by the applicant.

Section 27-704-4(F) of the UDO states sign area in excess of three hundred seventy-eight (378) square feet but not to exceed six hundred seventy two (672) square feet along interstates may be allowed by the Planning Commission's approval of a Conditional Use request so long as an equivalent or greater amount of sign square footage is deleted by the loss of one or more of the applicant's sign credits in the sign bank. The double stacked sign that is proposed to be removed meets this requirement.

Additionally, this property is zoned Commercial-5-SPL. The special conditions require that any development on the property requires a Development Plan be submitted and reviewed. The Conditional Use permit satisfies the requirement for a Development Plan review.

If the Planning Commission chooses to approve the Conditional Use request the applicant would like to construct a new outdoor advertising sign (billboard). The proposed sign would be a 12' x 40' (480 square feet) digital billboard located on the northeast corner of the property along Interstate 540.

Planning staff believes that the removal of the double stacked sign to allow the larger digital sign at this location is a reasonable request. U.S. Highway 71 is classified as a scenic byway which means all new outdoor advertising signs are prohibited. The AHTD Area Beautification Coordinator has stated that the sign located atop Rye Hill would have the option to remain indefinitely provided that the permits for the billboard are renewed every two (2) years and there are no major modifications to the existing billboard sign.

Additionally, included within the packet is information regarding the size of outdoor advertising signs within a 2.5 mile radius.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, September 30th, 2013 at 3:00 P.M. at 4801 Phoenix Avenue. No surrounding property owners were in attendance.

Staff Comments

HC

Should the Planning Commission approve the application, Planning Staff recommends the approval be contingent upon the following.

1. All construction must be built in accordance with the approved development plan.
2. The applicant shall remove the entire structure of the double stacked sign (#7219) located on top of Rye Hill prior to the issuance of a permit for the new sign.
3. The sign shall not be taller than 35 feet and shall receive airport approval prior to the issuance of a permit for the new sign.

Striplin, Bill

From: Striplin, Bill
Sent: Wednesday, August 21, 2013 12:27 PM
To: Bailey, Wally
Subject: RE: RAM Outdoor Proposal

Wally,

I spoke with Brandy Campbell about this. He stated that as long as the permits are renewed every 2 years and there are no major modifications (Intensification) to a billboard sign on a scenic byway it will be allowed to remain indefinitely. However, should the permit lapse, a new permit application would have to be submitted and it would be denied, resulting in the sign having to be removed. A major modification such as adding a face, adding illumination, or increasing the face size would also require a new permit which would be denied.

At the requested "River Location" 3971 I 540 there are 17 signs within 2.5 miles south of proposed sign. 7 of these signs I estimate at being 480 square feet or larger. 10 of these signs are 378 square feet or smaller. 1 digital sign exists in this area located at Grand and I 540.

At the proposed 4801 Phoenix location, There is 1 378 square feet or less sign in the 2.5 miles north of proposed location. There are 15 signs located within 2.5 Miles south of the proposed location. 2 of these signs are 480 square feet or larger, 13 are 378 or smaller.

Bill Striplin
City Planner
Planning department
Phone: (479) 784-2211
Fax: (479) 784-2462
email: bstriplin@fortsmithar.gov

From: Bailey, Wally
Sent: Friday, August 16, 2013 9:09 AM
To: Striplin, Bill
Cc: Andrews, Brenda
Subject: FW: RAM Outdoor Proposal

Bill,
Can you start researching the information Brandon has requested. We will include this information in the upcoming PC packet.

Wally Bailey
Director of Development Services
P.O. Box 1908 (02)
623 Garrison Avenue (01)
Fort Smith, AR 72901
479-784-2216

"He who fails to plan is planning to fail."
Winston Churchill

From: Brandon Cox [<mailto:bcox@propak.com>]
Sent: Thursday, August 15, 2013 3:24 PM

Conditional Use # 28-10-13

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: KMW Property

Name of Authorized Agent (if applicable) Craig A Roberts

Legal Description of property included in the conditional use request:

See attached

Street Address of Property:

4801 South Phoenix Avenue, 4896 I-5405

Existing Zoning Classification:

C-5-SPL

Proposed Zoning Classification (if applicable):

N/A

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

Request permission to increase size of board from approved 378' to 480' (12x40) for new modern Digital Face

What amenities are proposed such as landscaping and screening?

N/A

Craig A. Roberts

Owner or Agent Name (please print)

PO Box 450052
Garland, TX 75045-0052

Owner or Agent Mailing Address

972) 530-8698 Office

972) 672-7311 mobile

Owner or Agent Phone Number

Signed:

Owner

Or

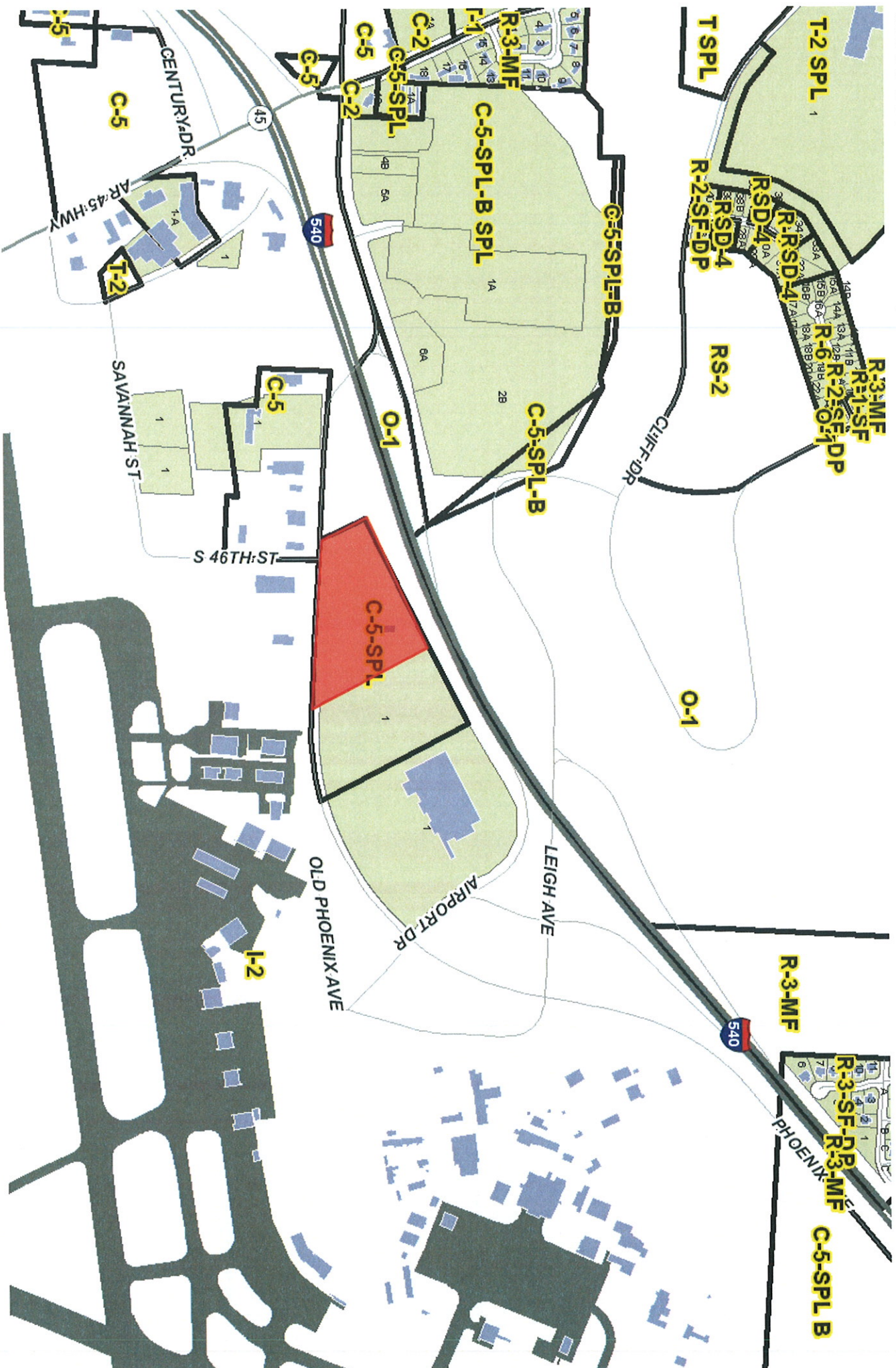
Craig A. Roberts
Agent

4F

Conditional Use# 28-10-13: to increase in size from 378 s.f. to 480 s.f. for a digital outdoor advertising sign

79

4896 I-540



I-540 - NORTH BOUND L.

Edge of Pavement

Zone Industrial 2

Zone Commercial 5 SPL

Wire Fence

Interstate I-540
Right of Way Line

R/W Monument

PROPOSED SIGN
"Y" Configuration
(Two-40.0'x12.0'
Display Faces)
30" Diameter Monopole
35' Tall (Ground to Top)
Long. 94°22'51.43" Lat. 35°20'22.37"
NAD 27 & Ground Elevation 489.04'

NE 1/4 NW 1/4
Sec. 35-8N-32W

Old 10" Square Concrete
Pillar (Typical)

Property Line

Approximate
Edge of Gravel

Old Gravel Drive

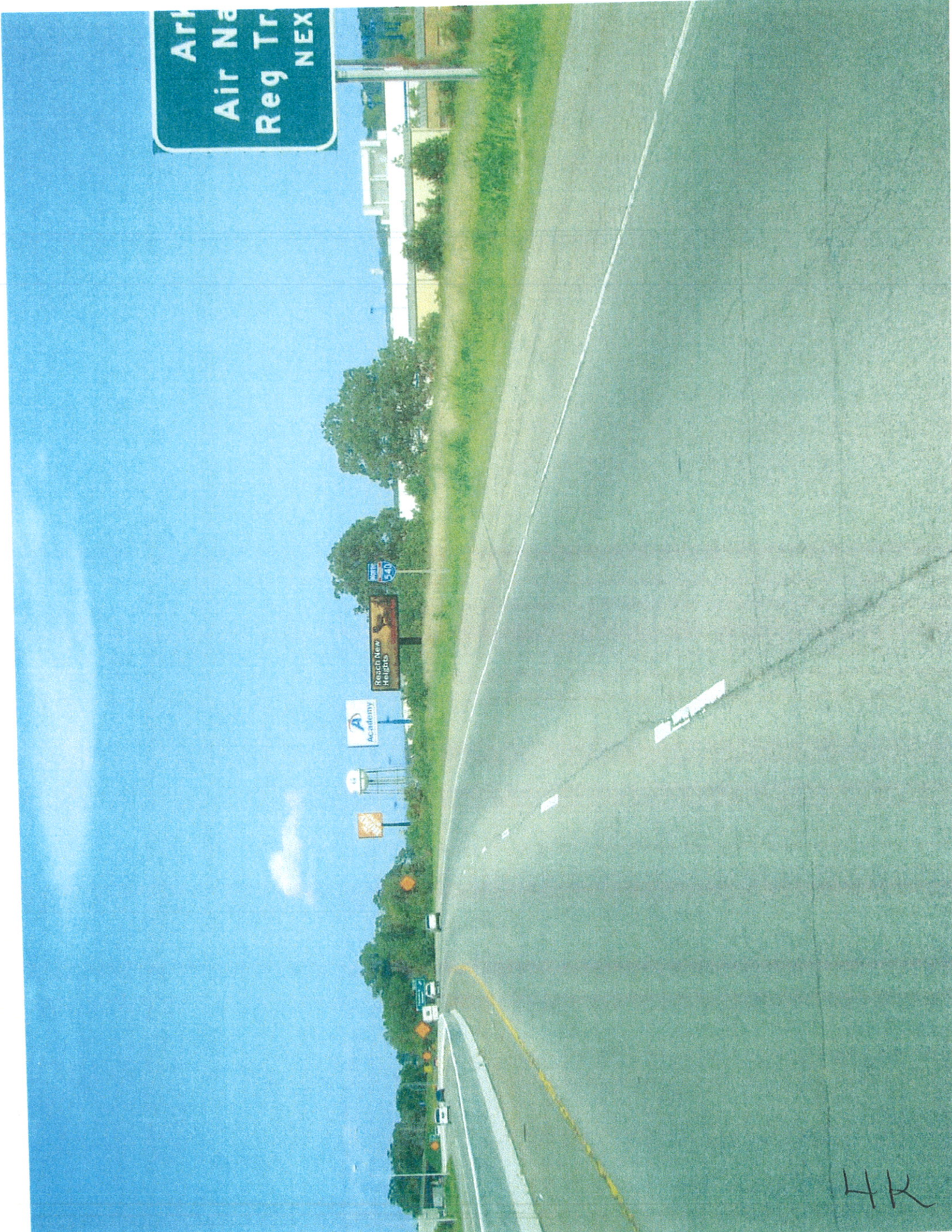
Gravel in Grass



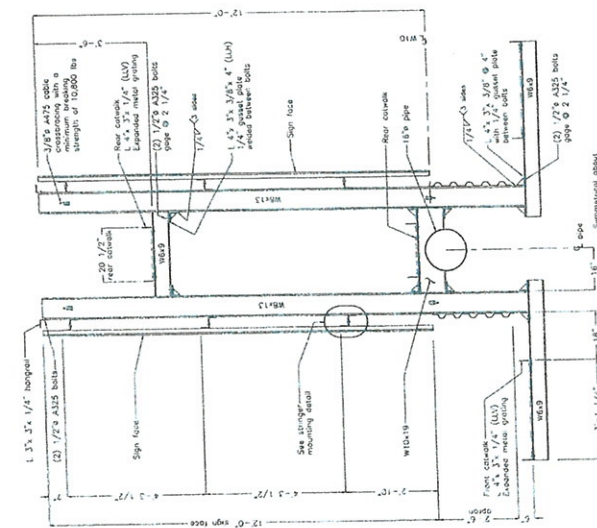




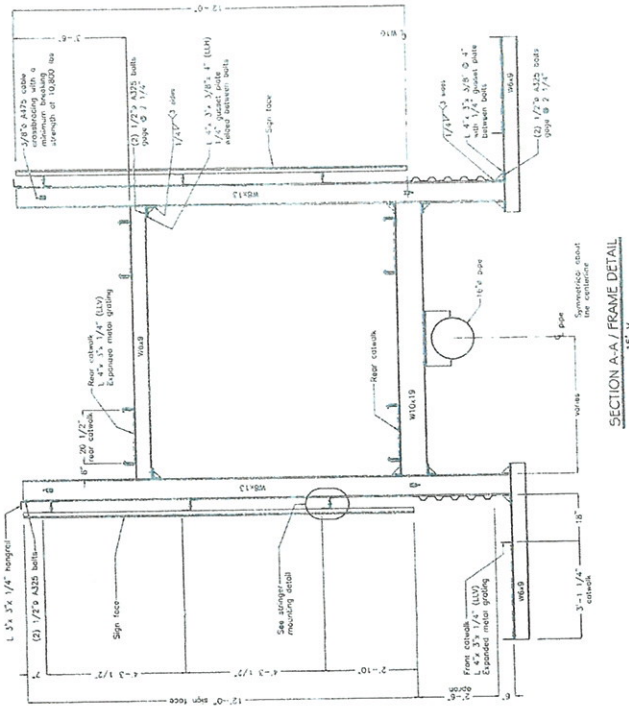
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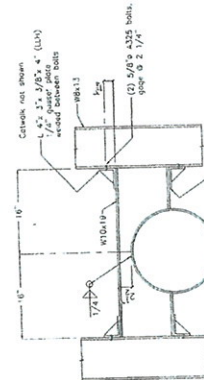
FR



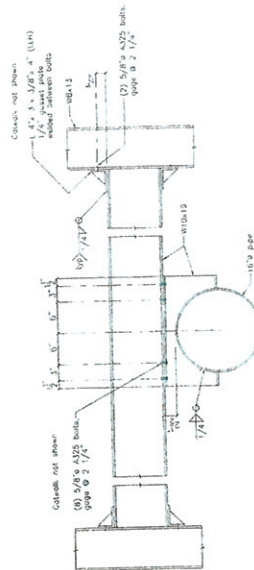
SECTION A-A / FRAME DETAIL
BACK TO BACK



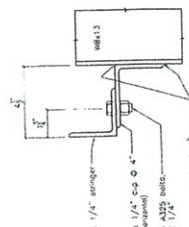
SECTION A-A / FRAME DETAIL
15' V



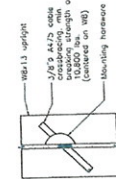
FRAME MOUNTING DETAIL
BACK TO BACK



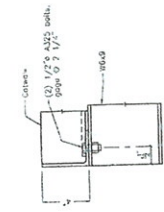
FRAME MOUNTING DETAIL
15' V



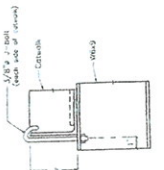
STRINGER MOUNTING DETAIL



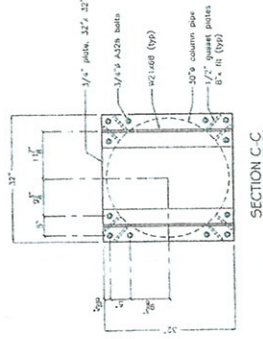
CROSSBRACING DETAIL



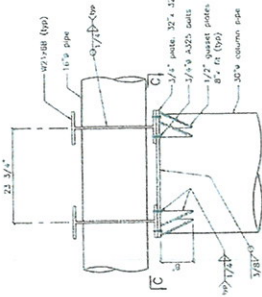
CATWALK MOUNTING DETAIL



REAR CATWALK MOUNTING DETAIL
15' V



SECTION C-C



COLUMN CONNECTION DETAIL

OUTDOOR METAL FABRICATORS

Route 2, Box 349
Mt. Vernon, Texas 75457
Phone 1-903-537-3088
Fax 1-903-537-4288

12'-0" x 40'-0"
MONOPOLE SIGN STRUCTURE
CENTERMOUNT
BACK TO BACK
15'-0" V

ENG CAD
DATE October 1, 2001
DRAWING NUMBER 12460

Notes:

- Design wind pressure is 30 psf
- Pipe shall conform to ASTM A252 grade 2
- Structural steel shall conform to AISC A-56
- Welding shall be in accordance with AWS standards
- Concrete shall obtain a 28 day compressive strength of $f'_c = 3000$ p.s.i.
- Structural steel shall be fabricated and erected in accordance with latest AISC specifications and standard practices
- The contractor shall verify all dimensions and conditions in the field and notify the engineer of any discrepancies.

ENC. _____ CAD _____
DATE October 1, 2001
DRAWING NUMBER 12460

Memo

To: City Planning Commission

From: Planning Staff

Date: September 27th, 2013

Re: Conditional Use #29-10-13 - A request by Craig Roberts, owner, for Planning Commission consideration of a Conditional Use request to increase the size requirements from 378 s.f. to 480 s.f. to allow an outdoor advertising sign at 3971 I-540 North

LOT LOCATION AND SIZE

The subject property is on the northwest side of I -540 just south of the I-540 river bridge. The tract contains an area of 0.06 acres.

EXISTING ZONING

The existing zoning on this tract is Industrial Light (I-1).
Characteristics of this zone are as follows:

Purpose:

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light district may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 zoning district is appropriate with the Office, Research, and Light Industrial (ORLI) and Industry classifications of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a wide variety of retail businesses, indoor flea market, pawnshop, financial services, offices, bar or tavern, restaurant, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

Conditional Uses:

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet
(1+1)

Maximum Height - 45 feet

Maximum Lot Coverage -

75%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres

Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 10 feet

Rear Yard Setback - 10 feet

Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)

Minimum building separation – to be determined by current City building and fire code.

Required street access – Major Arterial or higher

SURROUNDING ZONING AND LAND USE

All of the surrounding properties are zoned Industrial Light (I-1) and are undeveloped. I -540 is located on the southeast of the existing sign.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

5B

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Park/Open Space/Floodway. This classification is intended to provide for the open space and recreation needs of the region, and protect the regions natural resources, water quality and development investments. Approval of the conditional use will not conflict with the goals and objectives of the Master Land Use Plan.

PROPOSED CONDITIONAL USE

The conditional use request, if approved, will allow the legal non-conforming 480 s.f. sign located just north of the I-540 bridge to be converted to a 480 s.f. digital outdoor advertising sign. Even though the existing sign is 480 s.f. the maximum size allowed is 378 s.f. thus making the sign nonconforming and the reason for the Conditional Use request. If the Conditional Use request is approved the sign would still be nonconforming because of the number of signs per statute mile. A nonconforming sign can be converted to a digital sign if the size of the sign meets the code requirements. With the Planning Commission approval of the conditional use the sign will be conforming with respect to its size.

The applicant has submitted a letter stating if the request is approved the double stacked two sided sign located on Hwy 71 (atop of Rye Hill) will be removed. Please see the attached photos and map provided.

Section 27-704-4(F) of the UDO states that sign area in excess of three hundred seventy-eight (378) square feet but not to exceed six hundred seventy two (672) square feet along interstates may be allowed by the Planning Commission's approval of a Conditional Use request so long as an equivalent or greater amount of sign square footage is deleted by the loss of one or more of the applicant's sign credits in the sign bank.

Planning staff believes that the removal of the double stacked sign to allow for the conversion of this sign to digital is a reasonable request. The AHTD Area Beautification Coordinator has stated that the sign located atop Rye Hill would have the option to remain indefinitely provided that the permits for the billboard are renewed every two (2) years and there are no major modifications to the existing billboard sign.

Additionally, included within the packet is information regarding the size of outdoor advertising signs within a 2.5 mile radius.

STAFF COMMENTS AND RECOMMENDATIONS

Should the Planning Commission approve the application, Planning Staff recommends the approval be contingent upon the following.

1. All construction must be built in accordance with the approved development plan.
2. The applicant shall remove the entire structure of the double stacked sign (#7219) located on top of Rye Hill prior to the issuance of a permit.

Striplin, Bill

From: Striplin, Bill
Sent: Wednesday, August 21, 2013 12:27 PM
To: Bailey, Wally
Subject: RE: RAM Outdoor Proposal

Wally,

I spoke with Brandy Campbell about this. He stated that as long as the permits are renewed every 2 years and there are no major modifications (Intensification) to a billboard sign on a scenic byway it will be allowed to remain indefinitely. However, should the permit lapse, a new permit application would have to be submitted and it would be denied, resulting in the sign having to be removed. A major modification such as adding a face, adding illumination, or increasing the face size would also require a new permit which would be denied.

At the requested "River Location" 3971 I 540 there are 17 signs within 2.5 miles south of proposed sign. 7 of these signs I estimate at being 480 square feet or larger. 10 of these signs are 378 square feet or smaller. 1 digital sign exists in this area located at Grand and I 540.

At the proposed 4801 Phoenix location, There is 1 378 square feet or less sign in the 2.5 miles north of proposed location. There are 15 signs located within 2.5 Miles south of the proposed location. 2 of these signs are 480 square feet or larger, 13 are 378 or smaller.

Bill Striplin
City Planner
Planning department
Phone: (479) 784-2211
Fax: (479) 784-2462
email: bstriplin@fortsmithar.gov

From: Bailey, Wally
Sent: Friday, August 16, 2013 9:09 AM
To: Striplin, Bill
Cc: Andrews, Brenda
Subject: FW: RAM Outdoor Proposal

Bill,
Can you start researching the information Brandon has requested. We will include this information in the upcoming PC packet.

Wally Bailey
Director of Development Services
P.O. Box 1908 (02)
623 Garrison Avenue (01)
Fort Smith, AR 72901
479-784-2216

"He who fails to plan is planning to fail."
Winston Churchill

From: Brandon Cox [<mailto:bcox@propak.com>]
Sent: Thursday, August 15, 2013 3:24 PM

Conditional Use # 29-10-13

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Roberts Asset Management, LP
DPSA RAM Outdoor Advertising, LP

Name of Authorized Agent (if applicable) Craig A. Roberts

Legal Description of property included in the conditional use request:

See Attached

Street Address of Property:

3971 I-540 North

Existing Zoning Classification:

I-1

Proposed Zoning Classification (if applicable):

N/A

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

Need conditional use approval to increase minimum
size requirements from 378' to 480'.

What amenities are proposed such as landscaping and screening?

N/A

Craig A. Roberts

Owner or Agent Name (please print)

PO BOX 450052
Garland, TX 75045-0052

Owner or Agent Mailing Address

972) 530-8698 office

972) 612-7311 mobile

Owner or Agent Phone Number

Signed:

Craig A. Roberts
Owner

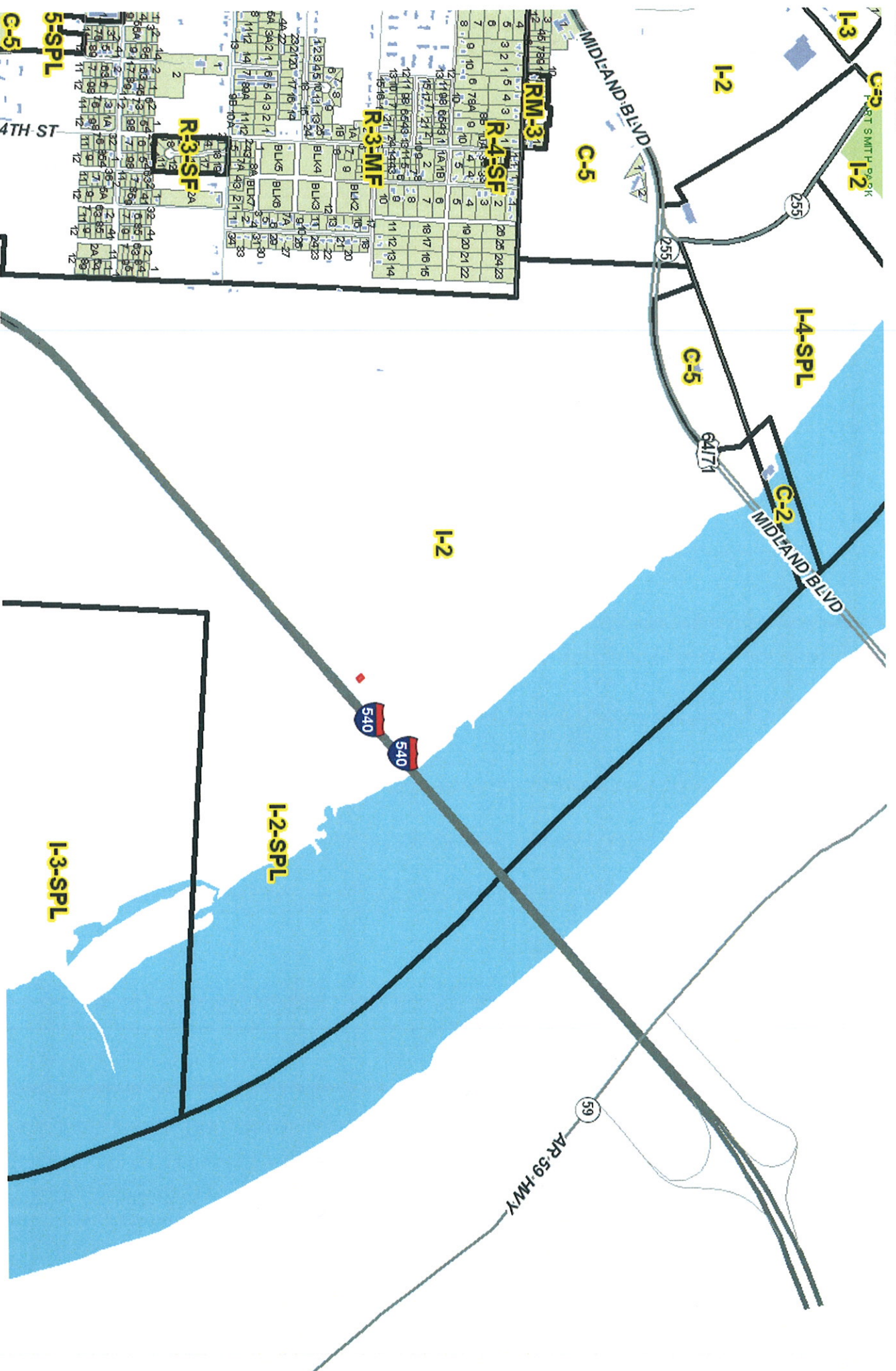
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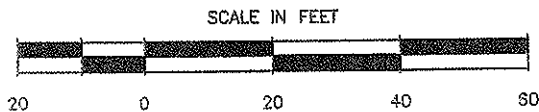
Agent

5E

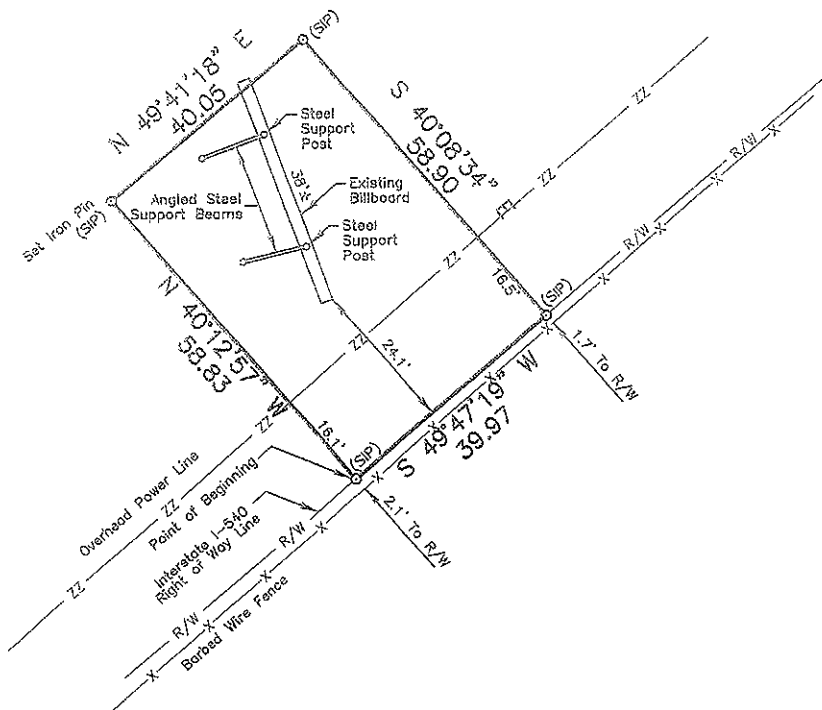
Conditional Use#29-10-13: To convert an existing outdoor advertising sign to digital

3971 I-540





ZONE 1-2



BILLBOARD LOCATION & ELEVATION:

NAD 27 : Long. 94°21'16.51" Lat. 35°25'04.58"
 NAVD 88: Ground Elevation = 401±

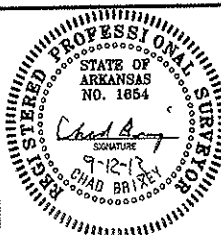
SURVEY DESCRIPTION

Part of the Northwest Quarter (NW/4) of the Southeast Quarter (SE/4) of Section 36, Township 9 North, Range 32 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at an existing iron pin marking the Northwest corner of said NW/4 of the SE/4; thence along the West line of the Southeast Quarter of said Section 36 S 02°58'02" W, 2155.84 feet to the North right of way line of Interstate 540; thence along said right of way line N 49°47'01" E, 1256.38 feet to a set re-bar at the point of beginning; thence N 40°12'57" W, 58.83 feet to a set re-bar; thence N 49°41'18" E, 40.05 feet to a set re-bar; thence S 40°08'34" E, 58.90 feet to a set re-bar on said North right of way line; thence S 49°47'19" W, 39.97 feet to the point of beginning, containing 2,355.33 square feet or 0.05 acre and being subject to public road rights of way and any easements of record.

NOTE: Utility locations shown are per visual observation only and are NOT per Arkansas One Call service.

PATH: G:\SURVEY\13-0216\13-0216.dwg



SITE PLAN
 PART OF THE NW/4 OF THE SE/4
 SECTION 36 T-9-N R-32-W
 CITY OF FORT SMITH, ARKANSAS
 Prepared For: RAM Outdoor Advertising

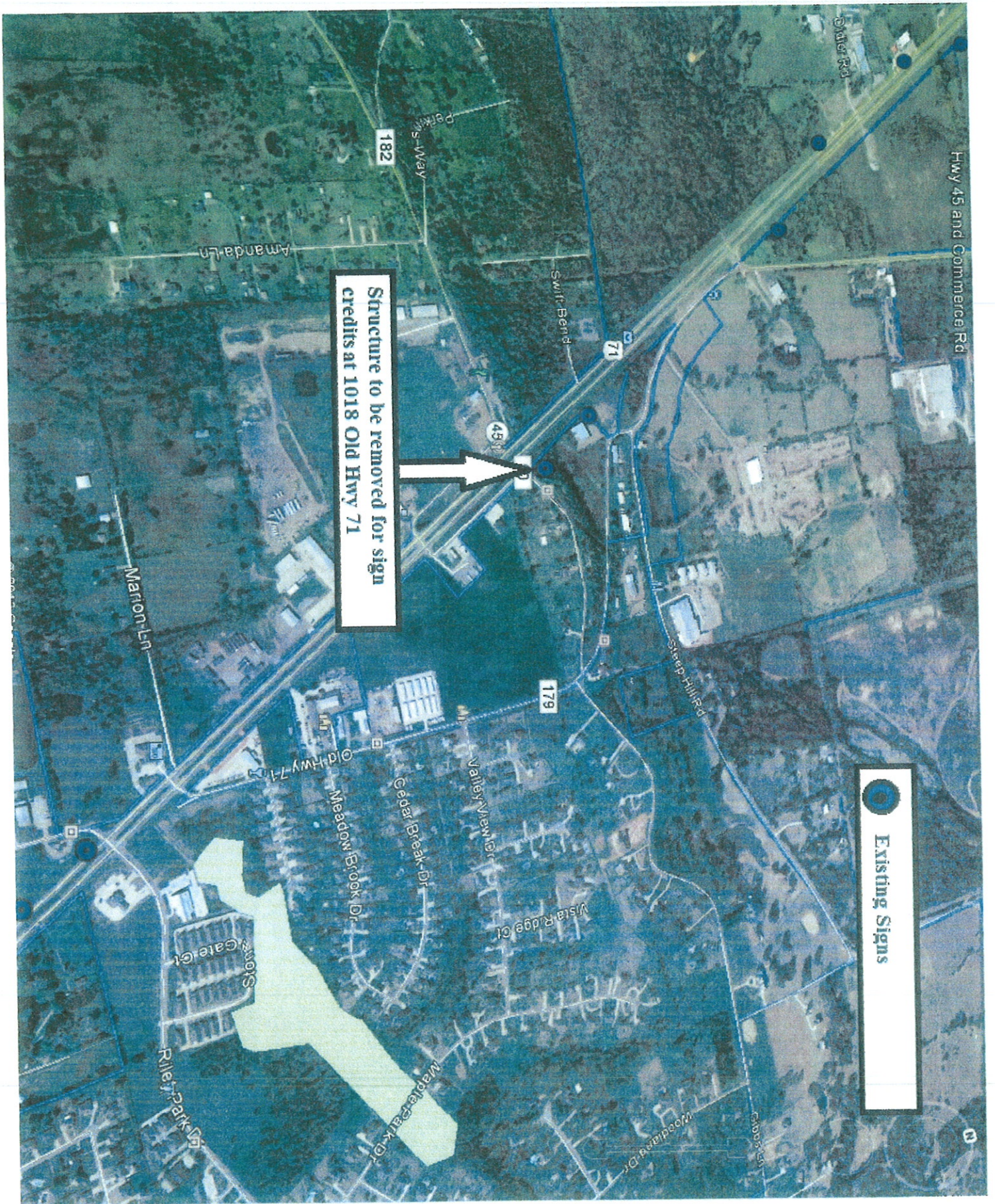
Date: Sept. 10, 2013	Drawn By: DPB	Computed: DB	Job No. 13-0216	Filed
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56

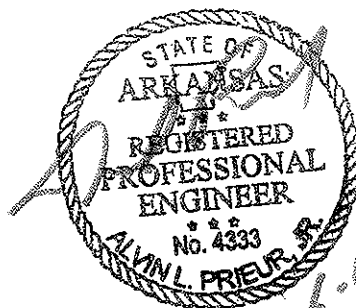
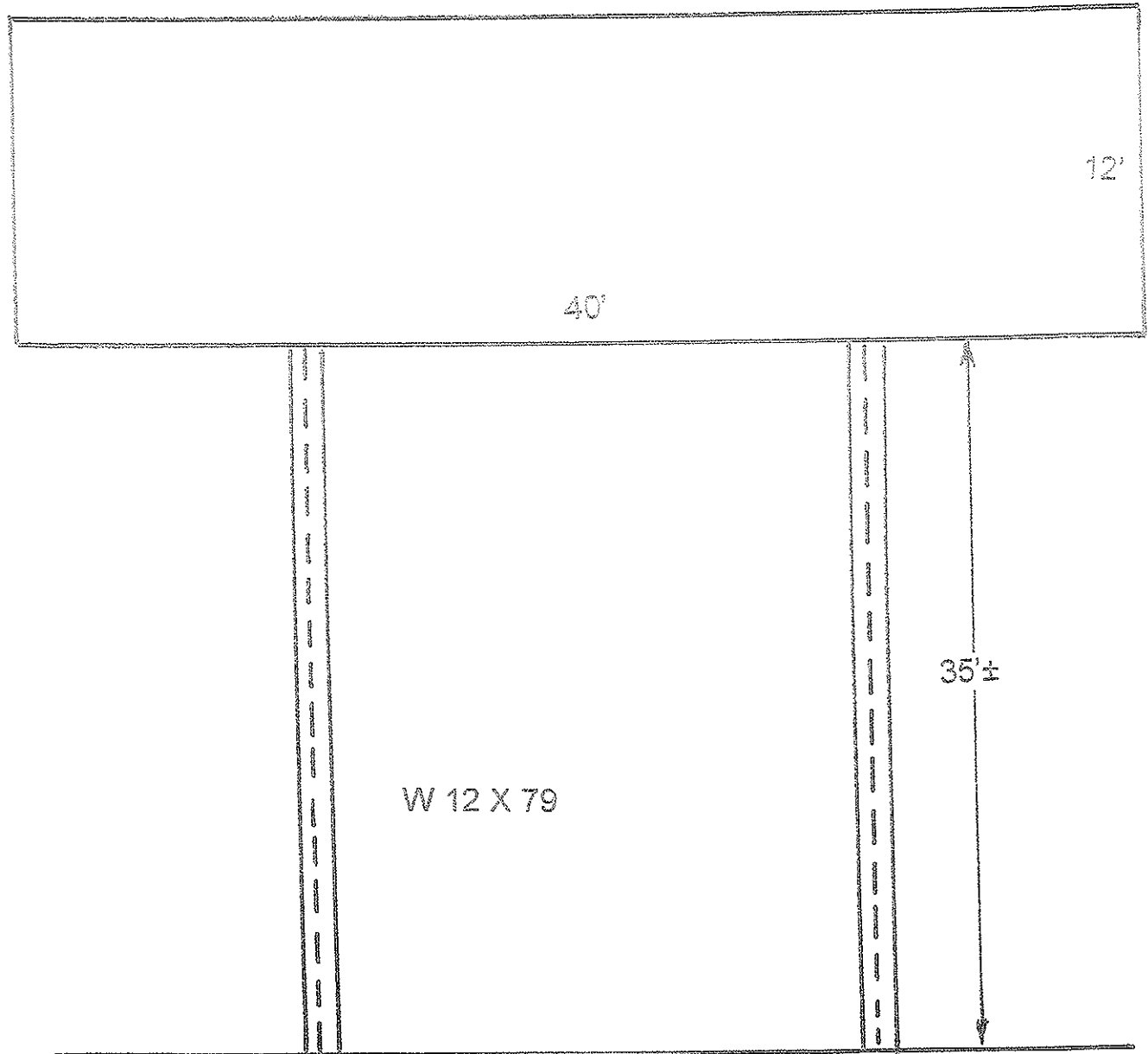




51



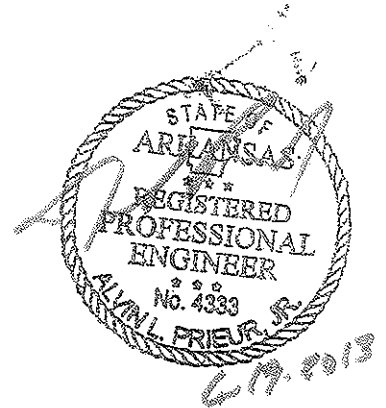
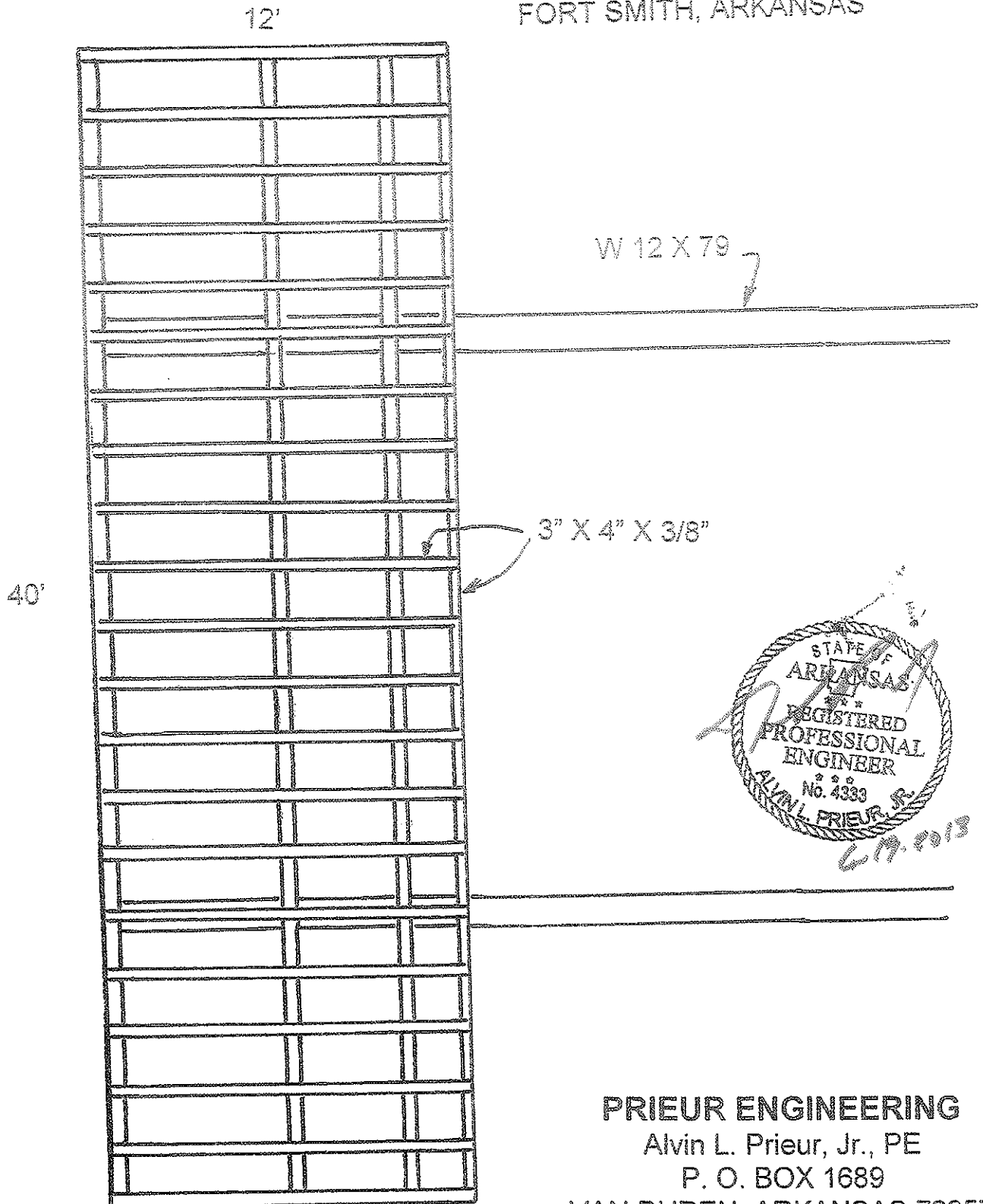
RAM OUTDOOR ADVERTISING
SIGN BOARD NUMBER 7240
FORT SMITH, ARKANSAS



PRIEUR ENGINEERING
Alvin L. Prieur, Jr., PE
P. O. BOX 1689
VAN BUREN, ARKANSAS 72957
479-651-7920
aprieur@cox.net

51K
/3

RAM OUTDOOR ADVERTISING
SIGN BOARD NUMBER 7240
FORT SMITH, ARKANSAS



PRIEUR ENGINEERING

Alvin L. Prieur, Jr., PE

P. O. BOX 1689

VAN BUREN, ARKANSAS 72957

479-651-7920

aprieur@cox.net

5L 2/3

RAM OUTDOOR ADVERTISING

SIGN: BOARD NUMBER 7240

1 - 540

FORT SMITH, ARKANSAS

SIGN WEIGHTS:

FRAMING: ANGLE IRON 3" X 4" X 3/8" = 7 KIPS

PROPOSED SIGN: = 4.8 KIPS

SUPPORTS: W 12 X 79 = 7.11 KIPS

TOTAL WEIGHT: 18.91 KIPS OR 9.455 KIPS PER SUPPORT

ALLOWABLE LOAD ON W 12 X 79

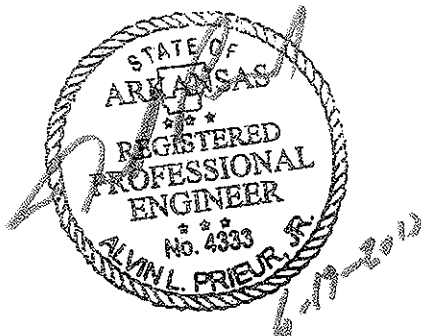
= 140 KIPS

SUPPORTS WILL HANDLE ADDED LOAD

SIGN DESIGN SUPPORTS BASED ON WIND LOAD:

NO CHANGE IN AREA AND NO CHANGE IN WIND LOADING

SIGN WILL WORK UNDER NEW CONDITIONS



PRIEUR ENGINEERING

Alvin L. Prieur, Jr., PE

P. O. BOX 1689

VAN BUREN, ARKANSAS 72957

479-651-7920

aprieur@cox.net

5M^{3/3}

Memo

To: City Planning Commission

From: Planning Staff

Date: September 26, 2013

Re: Variance #30-10-13 - A request by Michael Martin, agent, for Board of Zoning Adjustment consideration of a zoning variance request from 10' to 0' rear yard setback at 5300 South "U" Street

LOT LOCATION AND SIZE

The subject property is on the south side of South "U" Street, west of South Waldron Road. The tract contains an area of 1.70 acres with approximately 500 feet of street frontage along South "U" Street.

EXISTING ZONING

The existing zoning on this tract is Transitional (T).
Characteristics of this zone are as follows:

Purpose:

To provide small scale areas for limited office, professional service, and medical services designed in scale with surrounding residential uses. The transitional zoning district applies to the Residential Attached, Institutional, Neighborhood Commercial and General Commercial categories of the Master Land Use Plan.

Permitted Uses:

Single family detached, duplexes, family group home, retirement housing, bridal shop, banking establishments and offices are examples of permitted uses.

Conditional Uses:

Assisted living, bed & breakfast inn, utility substation, country club, park or playground, college, library, primary and secondary school, business professional schools, fire and rescue station, emergency response station, police substation, diagnostic laboratory testing facility, hospital, daycare homes, substance abuse treatment facility, senior citizen center and churches are examples of uses permitted as conditional uses.

6A

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Friday, September 27, 2013 at 5300 South "U" Street. No surrounding property owners attended the meeting.

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

6C

Var. #30-10-13

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 5300 So. W St. FSM, AR, Existing or Proposed

Zoning Classification T-1, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship

FROM

TO

- | | | | |
|--------------|---|-------------|--|
| _____ | - | _____ | Front Yard Setback or Minimum Distance from Right-of-Way |
| _____ | - | _____ | Exterior Side Yard Setback |
| _____ | - | _____ | Interior Side Yard Setback |
| <u>10 ft</u> | - | <u>0 ft</u> | <u>Rear Yard Setback</u> |
| _____ | - | _____ | Maximum Height of Structure |
| _____ | - | _____ | Minimum Distance Between Structures on the Same Lot |
| _____ | - | _____ | Minimum Lot Area (Square Feet) |
| _____ | - | _____ | Minimum Lot Frontage |
| _____ | - | _____ | Maximum Size of a Sign |
| _____ | - | _____ | Other: _____ |

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

6 D

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<u> </u>	<u> ✓ </u>	Is this variance needed because of previous actions taken by yourself?
<u> </u>	<u> ✓ </u>	Is this variance needed because of previous actions taken by a prior owner?
<u> ✓ </u>	<u> </u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u> ✓ </u>	<u> </u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<u> </u>	<u> ✓ </u>	Is the lot of an odd or unusual shape?
<u> </u>	<u> ✓ </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<u> </u>	<u> ✓ </u>	Does the lot contain required easements other than those that might be located on its perimeter?
<u> </u>	<u> ✓ </u>	Is any part of the lot in a flood plain or flood way?
<u> </u>	<u> ✓ </u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<u> </u>	<u> ✓ </u>	Is the lot developed with structures in violation of current zoning requirements?
<u> </u>	<u> ✓ </u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

6 E

Explanation of question #4 (if applicable)

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

PREVENTS CONSTRUCTION OF CANOPY WHICH WILL PROVIDE
WEATHER COVER FOR DROP OFF / PICK UP OF PATIENTS.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

N/A

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

W. Michael Martin / Turnkey Const. Mgt.
Owner or Agent Name (please print)

Owner

or

479-709-0044
Owner or Agent Phone Number

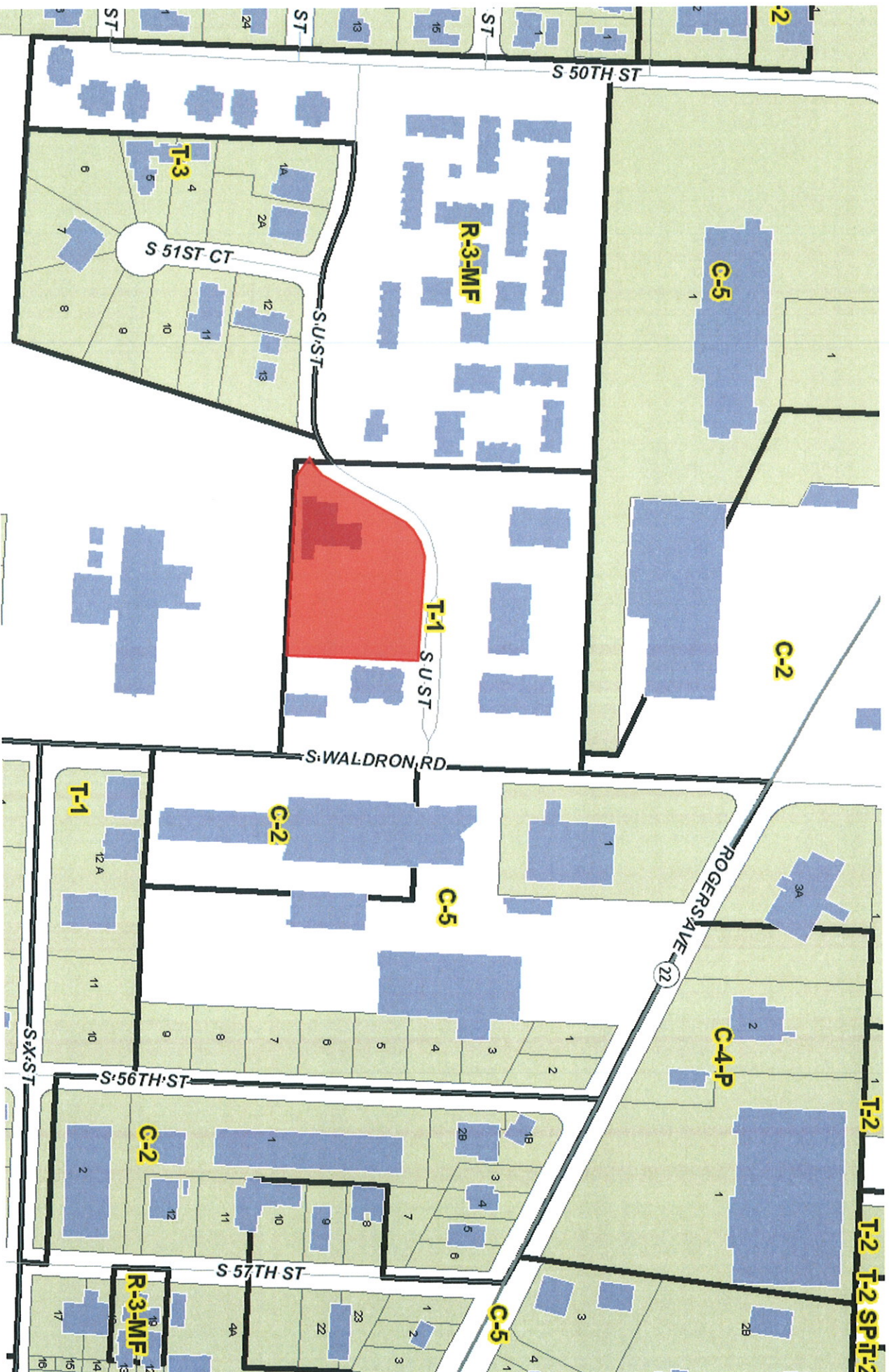
W. Michael Martin
Agent

P.O. Box 11124 FSM, AR 72917
Owner or Agent Mailing Address

Variance # _____

Variance# 30-10-13: From 10 feet to 0 feet rear yard setback

5300 South U Street

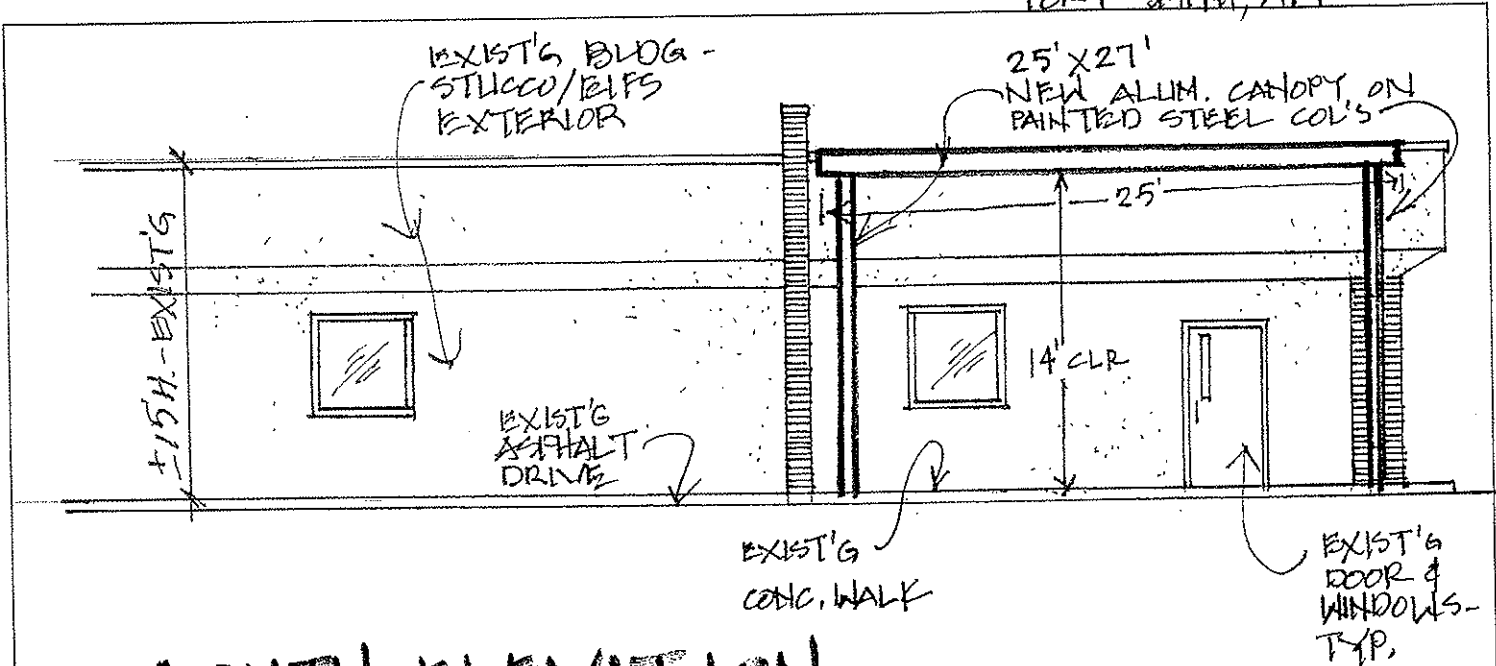


6H



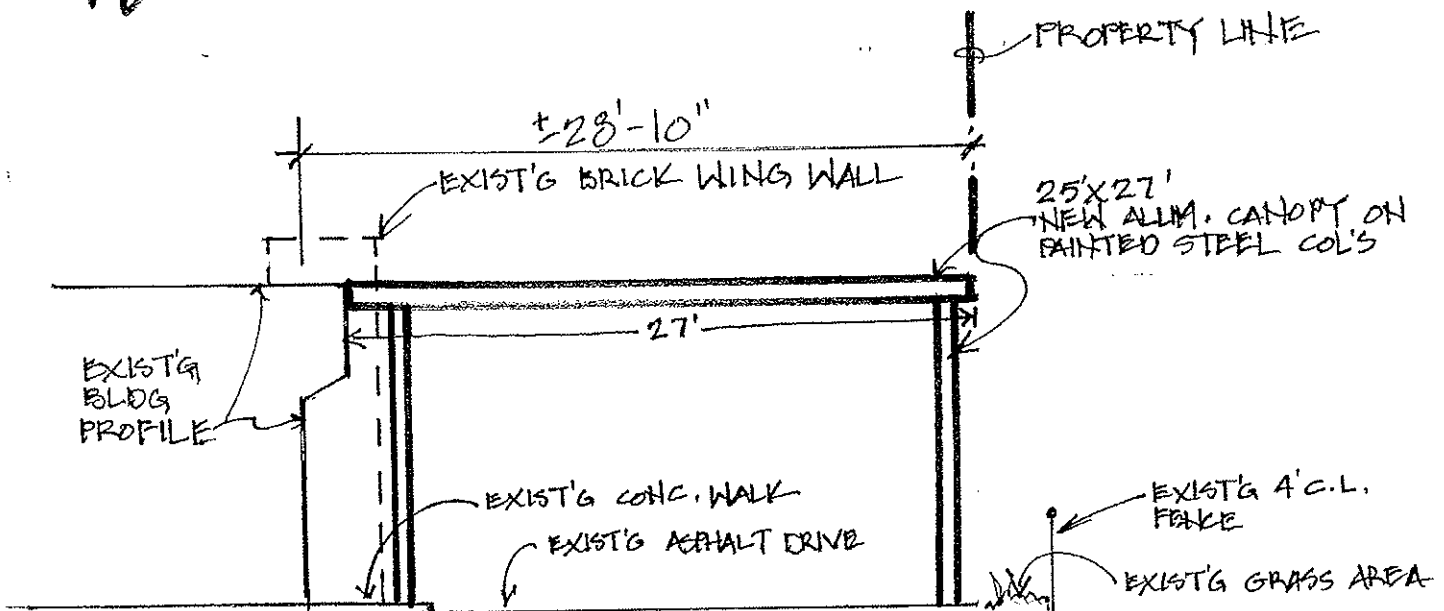
907 South 21st
Fort Smith, AR 72901
Phone: 479-783-8395
Fax: 479-783-0935
e-mail: aptus@archplusinc.net

SHEET NO. 2 OF 2 DATE 8/19/2013
PROJECT DRIVE THRU CANOPY
FOR ARK. BLOOD INSTITUTE
5300 S. "U" STREET
FORT SMITH, AR



SOUTH ELEVATION

1/8"



WEST ELEVATION

1/8"

65

Memo

To: City Planning Commission

From: Planning Staff

Date: September 24th, 2013

Re: Variance #32-10-13 - A request by Max Myers, agent for Insite Towers, LLC, for Board of Zoning Adjustment consideration of a zoning variance request from 100 feet to 3.7 feet interior side yard setback located at 3117 State Line Road

LOT LOCATION AND SIZE

The subject property is on the east side of State Line Road between Fresno Street and South Y Street. The tract contains an area of 2.66 acres with approximately 100 feet of street frontage along State Line Road.

EXISTING ZONING

The existing zoning on this tract is Industrial Light (I-1).
Characteristics of this zone are as follows:

Purpose:

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light district may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 zoning district is appropriate with the Office, Research, and Light Industrial (ORLI) and Industry classifications of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a wide variety of retail businesses, indoor flea market, pawnshop, financial services, offices, bar or tavern, restaurant, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

Conditional Uses:

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

7A

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet

Maximum Height - 45 feet (1+1)

Maximum Lot Coverage - 75%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres

Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 10 feet

Rear Yard Setback - 10 feet

Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)

Minimum building separation – to be determined by current City building and fire code.

Required street access – Major Arterial or higher

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Industrial Light (I-1) and is developed as a warehouse.

The area to the east is zoned Industrial Light (I-1) and is undeveloped.

The area to the south is zoned Industrial Light (I-1) and is developed as a single family residence.

The area to the west is zoned Industrial Light (I-1) and developed as a single family residence.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies State Line Road as a local road classification.

LAND USE PLAN COMPLIANCE

The *Master Land Use Plan* currently classifies the site as Office, Research and Industrial. This classification is intended to provide opportunities for clean, indoor, minimum impact, research, development, assembly, manufacturing, warehousing, distribution, and supportive goods and services. Approval of the variance will not conflict with the goals and objectives of the Unified Development Ordinance.

REQUESTED VARIANCE

The variance from 100 feet to 3.7 feet interior side yard setback if approved will allow for the construction of an approximately 104 s.f. equipment building on an existing concrete foundation. The plans show the proposed building to be eight (8) feet by thirteen (13) feet in dimension.

7B

APPLICANT HARDSHIP

The applicant states that Insite Wireless has two locations inside the facility site leased from Cox as indicated in green color on the vicinity site plan. Both areas are within the 100 feet setback requirement. At the proposed equipment shelter site has an existing concrete pad and electric service readily available thus making the site more suitable for the proposed structure.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday September 23rd, 2013 at 3:00 P.M. on site. No neighboring property owners attended the meeting.

Even though the property is zoned Industrial Light (I-1) it is adjacent to a single family home which increases the side yard setback from 10 feet to 100 feet. The proposed storage building is approximately 115 feet from the rear of the house.

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter and that construction comply with the submitted development plan and with any planning commission amendments.

Var #32-10-13

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 3117 State Line Road, Existing or Proposed

Zoning Classification I-1, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

FROM

TO

- | | | | |
|-------------|---|-----------|--|
| _____ | - | _____ | Front Yard Setback or Minimum Distance from Right-of-Way |
| _____ | - | _____ | Exterior Side Yard Setback |
| <u>100'</u> | - | <u>3'</u> | Interior Side Yard Setback |
| _____ | - | _____ | Rear Yard Setback |
| _____ | - | _____ | Maximum Height of Structure |
| _____ | - | _____ | Minimum Distance Between Structures on the Same Lot |
| _____ | - | _____ | Minimum Lot Area (Square Feet) |
| _____ | - | _____ | Minimum Lot Frontage |
| _____ | - | _____ | Maximum Size of a Sign |
| _____ | - | _____ | Other: _____ |

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

70

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

MAX MYERS AGENT

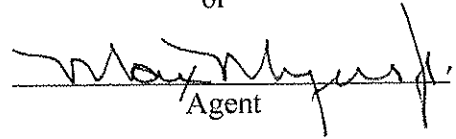
Owner or Agent Name (*please print*)

Owner

or

417-392-0872

Owner or Agent Phone Number


Agent

607 S. BALL, WEBB CITY, MO 64870

Owner or Agent Mailing Address

Variance # _____

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<u> </u>	<u> x </u>	Is this variance needed because of previous actions taken by yourself?
<u> </u>	<u> x </u>	Is this variance needed because of previous actions taken by a prior owner?
<u> </u>	<u> x </u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u> x </u>	<u> </u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<u> </u>	<u> x </u>	Is the lot of an odd or unusual shape?
<u> </u>	<u> x </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<u> x </u>	<u> </u>	Does the lot contain required easements other than those that might be located on its perimeter?
<u> </u>	<u> x </u>	Is any part of the lot in a flood plain or flood way?
<u> </u>	<u> x </u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<u> x </u>	<u> </u>	Is the lot developed with structures in violation of current zoning requirements?
<u> </u>	<u> x </u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

7F

Explanation of question #4 (if applicable)

The placement of the equipment shelter is near the interior fence line

The interior fence line is 210' from State Line Road.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

Insite has two areas leased from Cox as indicated on page 2 of the Site Plan (marked in green).

Both areas are inside the 100' setback requirement. At the proposed equipment shelter site there is a concrete pad and electrical service available. If the setback requirements are sustained our leased areas are unusable as is the concrete pad and electrical service.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

Variance#32-10-13: From 100 feet to 3.7 feet interior side yard setback

3117 State Line Road



Proposed Equipment Shelter



INSITE SITE NAME: FORT SMITH - COX
PORT SMITH, ARKANSAS
INSITE SITE NUMBER: AR 900-C

SURVEY WORK PERFORMED BY:

SHARONDALE
SURVEYING
INC.

4405 N. 15TH ST. #200, P.O. BOX 101
 FORT SMITH, AR 72204
 TEL: (501) 782-7275 FAX: (501) 782-7275
 CELL: (501) 782-7275
 E-MAIL: SHARONDALE@SHARONDALEINC.COM

NATIONAL SURVEY SERVICES COORDINATION BY:

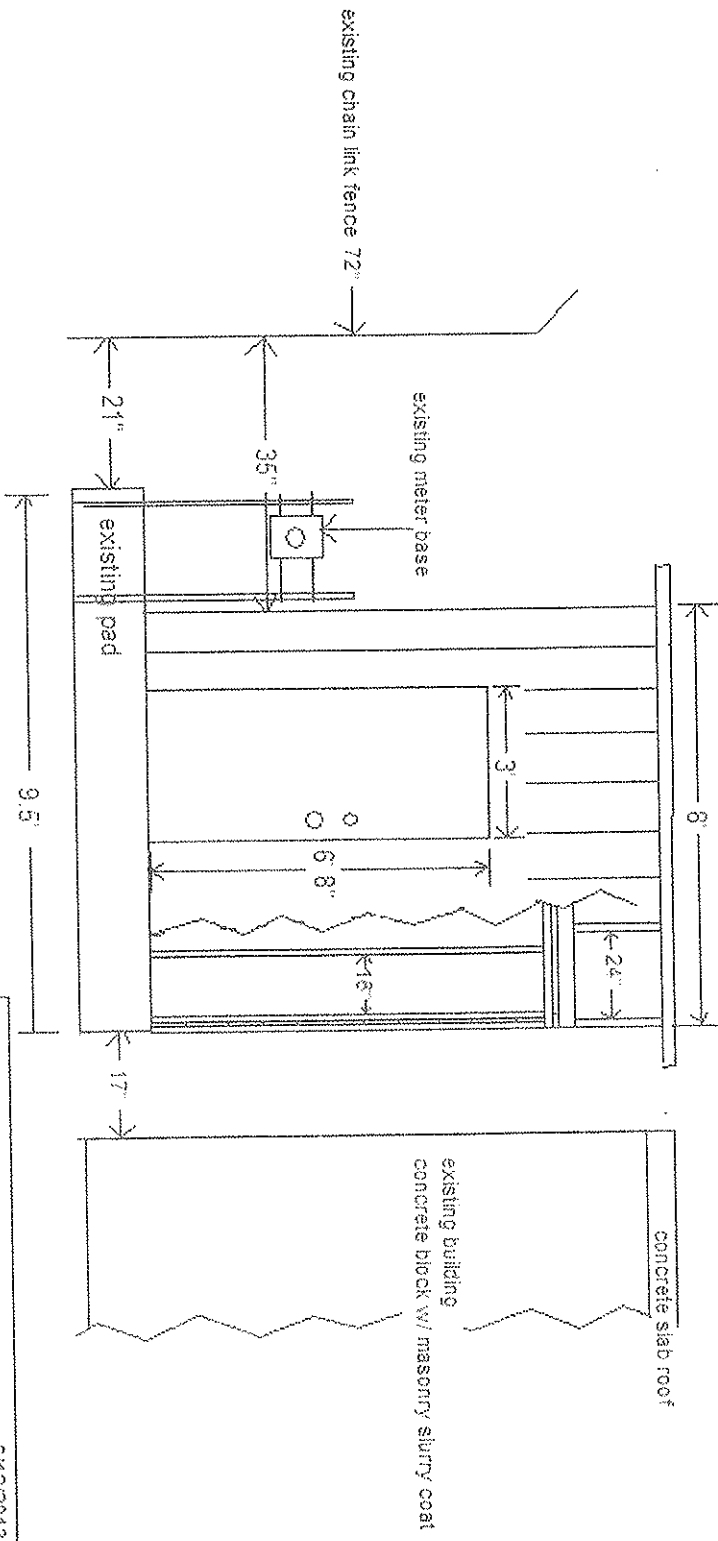
GEOLINE
SURVEYING INC.

12111 14TH ST. SW. SUITE 200
 ALBUQUERQUE, NM 87123
 TEL: (505) 263-8800 FAX: (505) 263-8801
 E-MAIL: INFO@GEOLINEINC.COM

FOR INFO: NOVEMBER 4, 2012

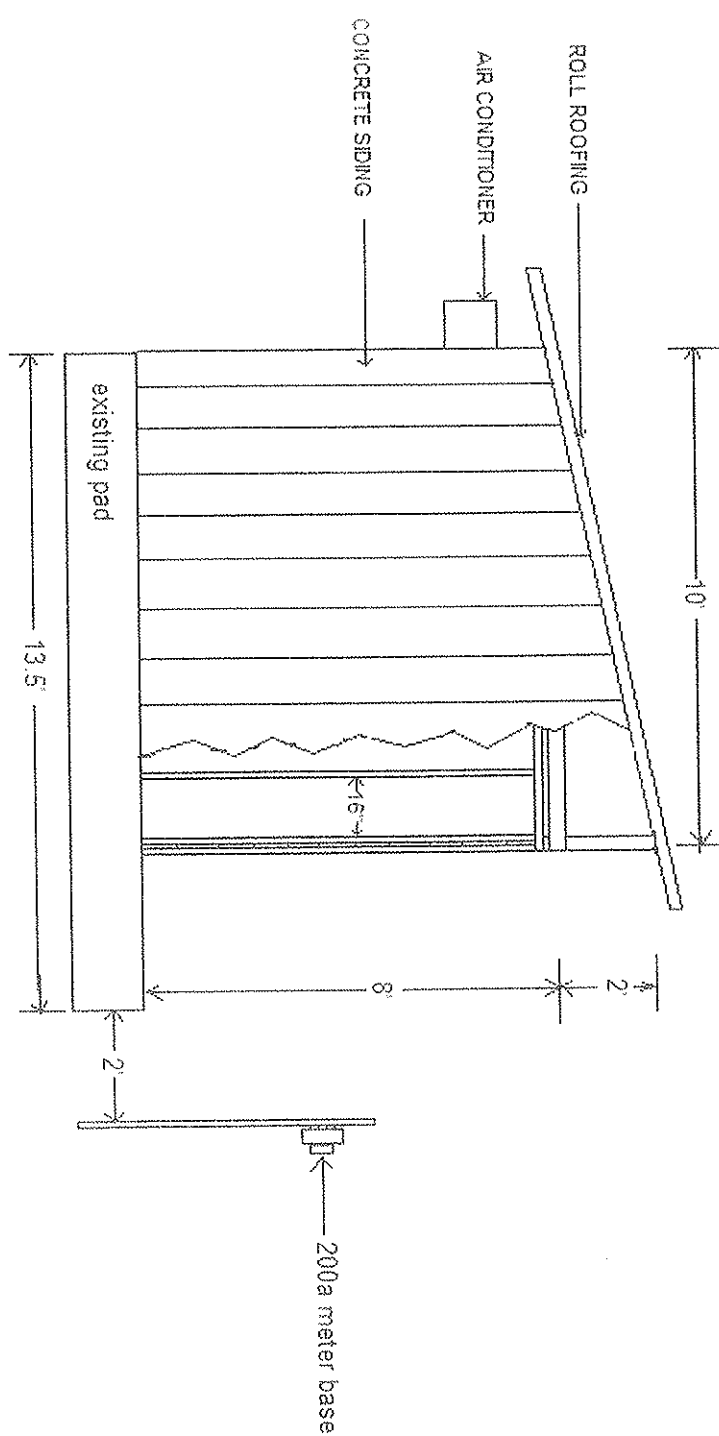


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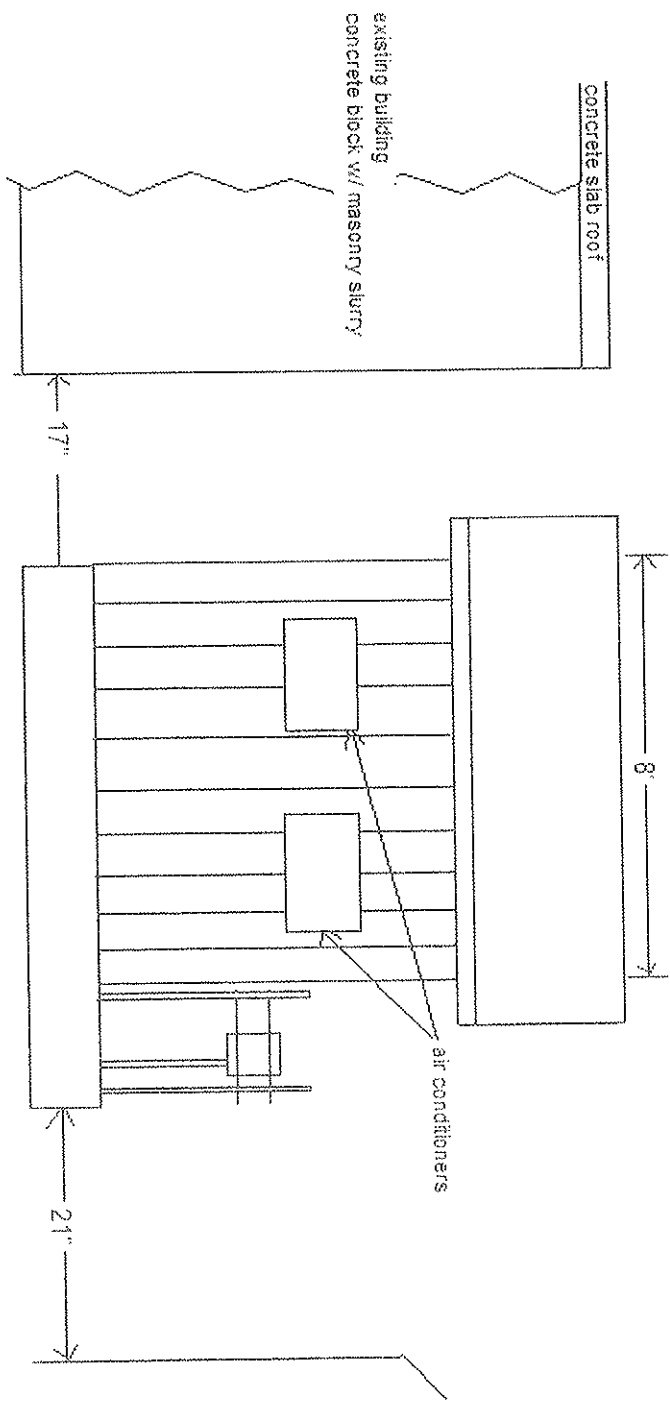
South Elevation NTS

COX COMMUNICATIONS	6/12/2013
FORT SMITH, ARK	
INSIGHT EQUIPMENT SHED	not to scale
South Elevation	
3117 St. Line Rd	



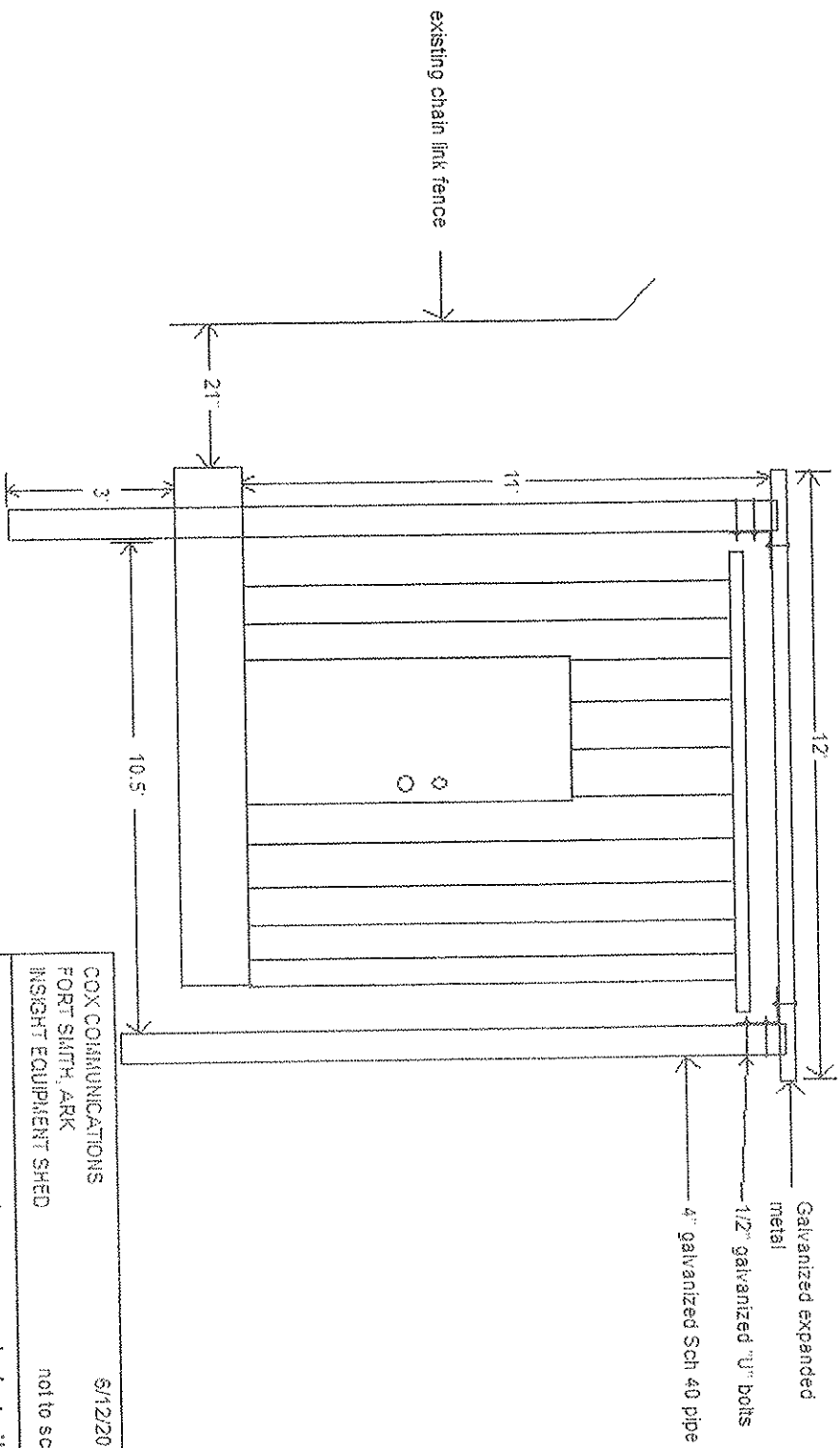
West Elevation NTS

COX COMMUNICATIONS	6/12/2013
FORT SMITH, ARK	
INSIGHT EQUIPMENT SHED	not to scale
West Elevation	
3117 St. Line Rd	

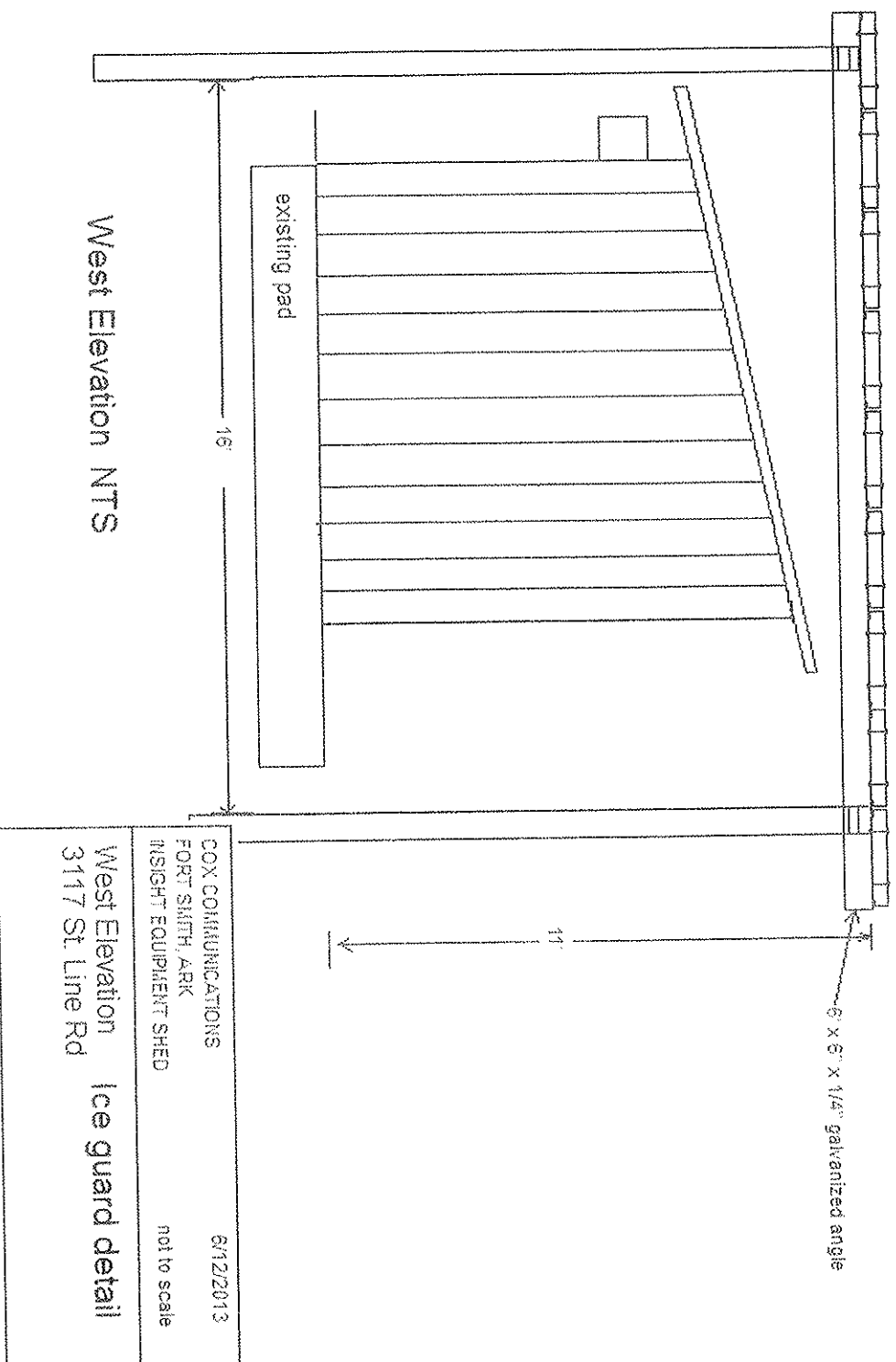


North Elevation NTS

COX COMMUNICATIONS	6/12/2013
FORT SMITH, ARK	
INSIGHT EQUIPMENT SHED	not to scale
North Elevation	
3117 St. Line Rd	

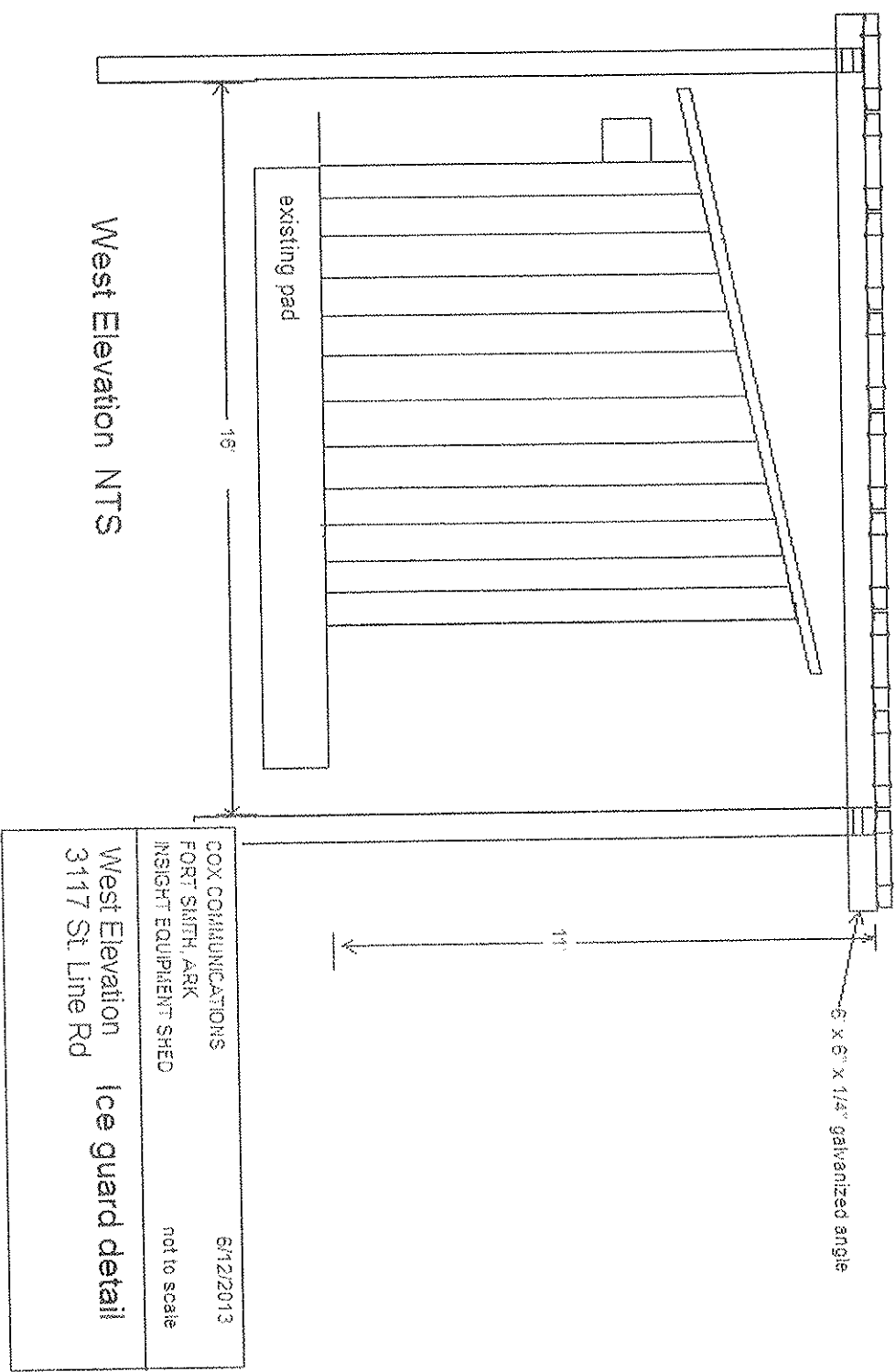


COX COMMUNICATIONS	6/12/2013
FORT SMITH, ARK	
INSIGHT EQUIPMENT SHED	not to scale
South Elevation Ice guard detail	
3117 St. Line Rd	



West Elevation NTS

COX COMMUNICATIONS	6/12/2013
FORT SMITH, ARK	
INSIGHT EQUIPMENT SHED	not to scale
West Elevation	Ice guard detail
3117 St. Line Rd	



West Elevation NTS



Memo

To: City Planning Commission

From: Planning Staff

Date: September 24, 2013

Re: Variance #33-10-13 - A request by Alan Lewis, agent, for Board of Zoning Adjustment consideration of a zoning variance request from Major Arterial or higher required street access to Local Street access at 12010 Old Highway 71

LOT LOCATION AND SIZE

The subject property is on the northwest corner of the intersection of Spring Mountain Road and Old Highway 71. The tract contains an area of approximately 9.6 acres with approximately 1082 feet of street frontage along Spring Mountain Road and approximately 390 feet of street frontage along Old Highway 71.

EXISTING ZONING

Not Zoned. The applicant has submitted a companion application requesting an Industrial Light zoning (I-1) district.

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned ETJ Open-1 and contain undeveloped areas and an area developed with one residence.

The areas to the east are zoned Commercial Moderate (C-3) and Not Zoned and are developed as commercial (Sugar Shack, liquor store, and offices).

The areas to the south are zoned Commercial Heavy (C-5) and ETJ Open-1 and are developed as an electrical contractor and undeveloped areas.

The area to the west is zoned ETJ Industrial Light (I-1) developed as a rural fire station and undeveloped areas.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies both Spring Mountain Road and Old Highway 71 as Local Roads.

INTER-OFFICE MEMO

CITY OF FORT SMITH

ENGINEERING DEPARTMENT

TO: Tyler Miller, Tom Monaco, Bill Striplin, Planners

CC: Ron Teeter

FROM: DON CHAVIS

DATE: September 23, 2013

SUBJECT: Planning Items – October, 2013

Comments for planning items are as follows:

Conditional Use 4896 I-540 Outdoor advertising sign

1. There are no objections to the conditional use for increasing the size of the digital sign.

Conditional Use/Variance 3971 I-540 Outdoor advertising sign

1. There are no objections to the conditional use convert existing sign to digital.
2. There are no objections to the variance for maximum number of outdoor advertising signs per mile.

Variance 3117 State Line Road Equipment Shelter

1. State Line Road is classified a local street.
2. The existing driveway approach will be used and no additional driveway access is proposed.

Variance 4465 Savannah Street CNG Station

1. Savannah Street is classified a local street.
2. There are no objections to the variance for the driveway separation.
3. Drainage and related issues will be reviewed upon plan submittal.

Variance 5300 South U Street Canopy addition

1. There are no objections to the variance for the attached canopy.

Conditional Use 2908 North 6th Street Rebuild Business

8C

1. North 6th Street is classified a major arterial street.
2. Existing driveways are nonconforming and there are no additional driveways proposed.
3. We have not objections to the rebuilding of the structure using the same footprint.

Master Land Use Plan Amendment/Variance/Rezoning 12010 Old Hwy 71

1. Old Highway 71 is classified a local street.
2. There are no proposals to a change or add anything.
3. We have no objections for the MLUPA/Variance/Rezoning as this is the same type of land use since it was annexed into the city.

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

See Exhibit A attached hereto

Address of property 12010 Old Highway 71 South, Existing or Proposed

Zoning Classification Not Zoned, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

FROM

TO

- | | | | |
|--|---|--|--|
| | - | | Front Yard Setback or Minimum Distance from Right-of-Way |
| | - | | Exterior Side Yard Setback |
| | - | | Interior Side Yard Setback |
| | - | | Rear Yard Setback |
| | - | | Maximum Height of Structure |
| | - | | Minimum Distance Between Structures on the Same Lot |
| | - | | Minimum Lot Area (Square Feet) |
| | - | | Minimum Lot Frontage |
| | - | | Maximum Size of a Sign |
| | - | | Other: <u>Variance from required minimum street access</u> |

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<u> </u>	<u> X </u>	Is this variance needed because of previous actions taken by yourself?
<u> </u>	<u> X </u>	Is this variance needed because of previous actions taken by a prior owner?
<u> X </u>	<u> </u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u> X </u>	<u> </u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<u> </u>	<u> X </u>	Is the lot of an odd or unusual shape?
<u> </u>	<u> X </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<u> </u>	<u> X </u>	Does the lot contain required easements other than those that might be located on its perimeter?
<u> </u>	<u> X </u>	Is any part of the lot in a flood plain or flood way?
<u> </u>	<u> X </u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<u> </u>	<u> X </u>	Is the lot developed with structures in violation of current zoning requirements?
<u> </u>	<u> X </u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

Property was annexed into City of Fort Smith in 2005 and was
never zoned.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

Land use of property precedes annexation. Old Highway 71 South
does not or did not receive arterial street classification.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

Existing land use precedes annexation into the City.

No change in existing land use.

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this 6th day of September, 2013.

Signed:
KMW Properties, LLC

Alan Lewis
Owner or Agent Name (*please print*)

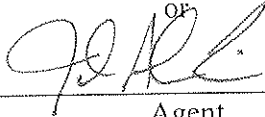
(479) 464-5656
Owner or Agent Phone Number

5414 Pinnacle Point Dr., Ste. 500
Rogers, AR 72758

Owner or Agent Mailing Address

Owner

OR

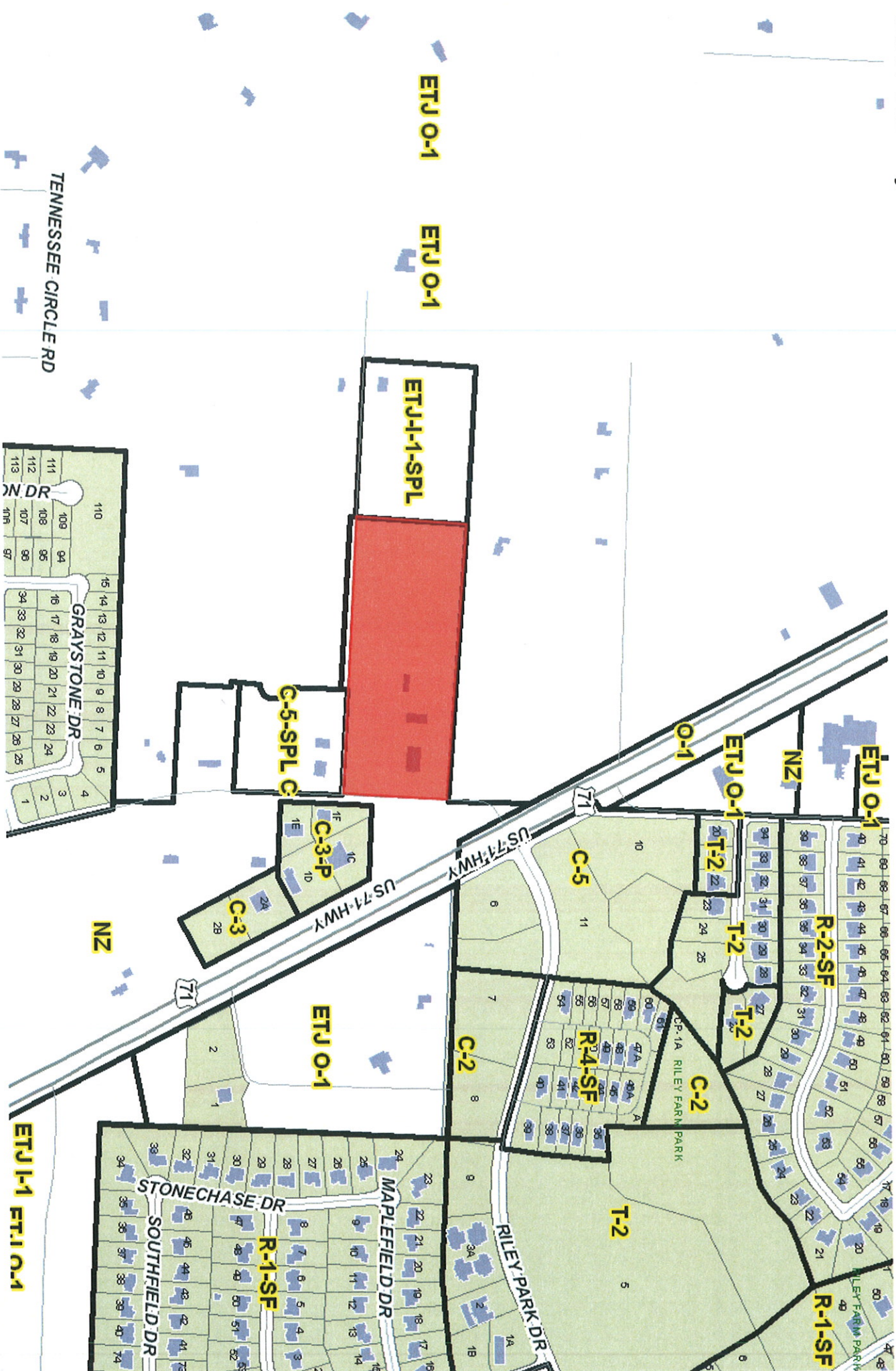

Agent

Variance # _____

Variance# 33-10-13: From major arterial to local street required street access

12010 Old Hwy 71 S

H 8



Memo

To: City Planning Commission

From: Planning Staff

Date: September 25th, 2013

Re: Variance #34-10-13 - A request by Michael Johnson, agent for Barry Rowtown, for Board of Zoning Adjustment consideration of the following variances: 1) from 100 feet to 78 feet and 100 feet to 90 feet minimum separation between driveways; 2) from Section 27-602-3(B)(1) requiring a 10 feet wide landscape area located on the property parallel and adjacent to the public right-of-way; and 3) from Section 27-602-3(B)(2) elimination of required perimeter landscaping along a portion of the east property frontage located at 4465 Savanna Street

LOT LOCATION AND SIZE

The subject property is on the north side of Savannah Street between South 46th Street and Old Greenwood Street. The tract contains an area of 2.2 acres with approximately 278 feet of street frontage along Savannah Street.

EXISTING ZONING

The existing zoning on this tract is Industrial Light (I-1). Characteristics of this zone are as follows:

Purpose:

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light district may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 zoning district is appropriate with the Office, Research, and Light Industrial (ORLI) and Industry classifications of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a wide variety of retail businesses, indoor flea market, pawnshop, financial services, offices, bar or tavern, restaurant, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

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Conditional Uses:

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet

Maximum Height - 45 feet (1+1)

Maximum Lot Coverage - 75%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres

Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 10 feet

Rear Yard Setback - 10 feet

Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)

Minimum building separation – to be determined by current City building and fire code.

Required street access – Major Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Industrial Light (I-1) and are developed as a plumbing contractor shop and storage and another undeveloped developed tract.

The area to the east is zoned Industrial Light (I-1) and is developed as light manufacturing facility.

The area to the south is zoned Industrial Light (I-1) and is developed as the Fort Smith Regional Airport.

The area to the west is zoned Industrial Light (I-1) and is undeveloped with an existing concrete foundation.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Savannah Street as a local road.

LAND USE PLAN COMPLIANCE

The *Master Land Use Plan* currently classifies the site as Office, Research and Light Industrial. This classification is intended to provide opportunities for clean, indoor, minimum impact, research, development, assembly, manufacturing, warehousing, distribution, and supportive

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goods and services. Approval of the variance will not conflict with the goals and objectives of the Unified Development Ordinance.

REQUESTED VARIANCE

The requested variances will facilitate the development of a Compressed Natural Gas (CNG) fueling station by allowing the project to: 1) utilize two driveways for a circle drive to facilitate large truck with trailers to maneuver easily when refueling; 2) allow the applicant to place the 10 feet landscaping strip behind an existing high pressure gas line; 3) eliminate approximately 68' of perimeter landscaping to avoid disturbing an existing gas well.

APPLICANT HARDSHIP

Driveway Separation

The applicant states that one drive would limit vehicle access, including semi-trucks with trailers, to the CNG station. The applicant also states that approximately 75' of the frontage is utilized by the existing gas well.

Location of 10' Wide Perimeter Landscaping Strip

The 10' landscaping strip is located further back from the property line to avoid a 15' high pressure natural gas line easement that is adjacent to the property line.

Elimination of Approximately 68' of Perimeter Landscaping

The request to eliminate 68' of landscaping on the east side along Savannah Street will avoid disturbing the existing gas well site.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday, September 25th, 2013 at 4:00 P.M. at 907 South 21st Street. One surrounding property owner attended the meeting and had no objections to the requested variances. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the application contingent upon the following.

- All construction must comply with the submitted development plan and with any planning commission amendments.
- The applicant shall receive an airport approval letter prior to the issuance of a building permit.

Additionally, if the BZA is inclined to approve the application, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

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INTER-OFFICE MEMO

CITY OF FORT SMITH

ENGINEERING DEPARTMENT

TO: Tyler Miller, Tom Monaco, Bill Striplin, Planners

CC: Ron Teeter

FROM: DON CHAVIS

DATE: September 23, 2013

SUBJECT: Planning Items – October, 2013

Comments for planning items are as follows:

Conditional Use 4896 I-540 Outdoor advertising sign

1. There are no objections to the conditional use for increasing the size of the digital sign.

Conditional Use/Variance 3971 I-540 Outdoor advertising sign

1. There are no objections to the conditional use convert existing sign to digital.
2. There are no objections to the variance for maximum number of outdoor advertising signs per mile.

Variance 3117 State Line Road Equipment Shelter

1. State Line Road is classified a local street.
2. The existing driveway approach will be used and no additional driveway access is proposed.

Variance 4465 Savannah Street CNG Station

1. Savannah Street is classified a local street.
2. There are no objections to the variance for the driveway separation.
3. Drainage and related issues will be reviewed upon plan submittal.

Variance 5300 South U Street Canopy addition

1. There are no objections to the variance for the attached canopy.

Conditional Use 2908 North 6th Street Rebuild Business

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APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 4465 SAVANNAH STREET, Existing or Proposed

Zoning Classification I-1 (INDUSTRIAL - 1), has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

FROM

TO

- | | | | |
|---------------|---|---------------|--|
| _____ | - | _____ | Front Yard Setback or Minimum Distance from Right-of-Way |
| _____ | - | _____ | Exterior Side Yard Setback |
| _____ | - | _____ | Interior Side Yard Setback |
| _____ | - | _____ | Rear Yard Setback |
| _____ | - | _____ | Maximum Height of Structure |
| _____ | - | _____ | Minimum Distance Between Structures on the Same Lot |
| _____ | - | _____ | Minimum Lot Area (Square Feet) |
| _____ | - | _____ | Minimum Lot Frontage |
| _____ | - | _____ | Maximum Size of a Sign |
| <u>100 FT</u> | - | <u>78 FT</u> | <u>DRIVEWAY SEPARATION</u> |
| <u>100 FT</u> | - | <u>490 FT</u> | Other: <u>U.D.O. TABLE 27-603-1B</u> |

1)

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

- 2) From Section 27-602-3(B)(1) Requiring 10' landscape strip Adjacent to R.O.W. 9E
- 3) From Section 27-602-3(B)(2) Requiring landscaping on the east 68' of frontage

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<u> </u>	<u> ✓ </u>	Is this variance needed because of previous actions taken by yourself?
<u> </u>	<u> ✓ </u>	Is this variance needed because of previous actions taken by a prior owner?
<u> ✓ </u>	<u> </u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u> ✓ </u>	<u> </u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<u> </u>	<u> ✓ </u>	Is the lot of an odd or unusual shape?
<u> </u>	<u> ✓ </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<u> ✓ </u>	<u> </u>	Does the lot contain required easements other than those that might be located on its perimeter?
<u> </u>	<u> ✓ </u>	Is any part of the lot in a flood plain or flood way?
<u> </u>	<u> ✓ </u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<u> </u>	<u> ✓ </u>	Is the lot developed with structures in violation of current zoning requirements?
<u> </u>	<u> ✓ </u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

Driveway Separation Hardship

THE 265' PROPERTY WIDTH ALREADY HAS ABOUT 75' OF STREET FRONTAGE USED BY AN EXISTING GAS WELL. THUS, THE STREET FRONTAGE IS ABOUT 195' & A DRIVE ONTO THE PROPERTY ALREADY EXISTS ABOUT 55' FROM WEST PROPERTY LINE. THIS LEAVES ABOUT

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

ONE DRIVE, & NOT TWO DRIVES WOULD LIMIT ACCESS TO THE CNG STATION. ALL VEHICLES, INCLUDING "18 WHEELERS" NEED ACCESS TO THE CNG STATION.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

N.A.

140' OF DISTANCE TO GET TWO DRIVES & THE 100' DRIVE SEPARATION. THE TWO DRIVES ARE NEEDED FOR EASY VEHICLE ACCESS IN/OUT OF A C.N.G. STATION.

Explanation of question #4 (if applicable)

Landscaping Variances Hardship

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

1. 2) THE LANDSCAPING NEEDS TO BE MORE THAN 10' BACK FROM SAVANNAH STREET, BECAUSE OF A 15' WIDE EASEMENT FOR A HIGH PRESSURE NATURAL GAS LINE.
1. 3) THE LANDSCAPING NEEDS TO BE DELETED FOR 68' ALONG SAVANNAH STREET (EAST END OF PROPERTY), BECAUSE A GAS WELL EXISTS AT THIS LOCATION & THE SECURITY FENCING GOES TO THE PROPERTY LINE & MUST BE AT THIS LOCATION TO MAINTAIN SAFE WORKING DISTANCES AROUND THE GAS WELL EQUIPMENT.

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this 12th day of SEPTEMBER, 2013.

Michael G. Johnson, AIA
Architecture Plus, Inc.
907 South 21st Street
Fort Smith, AR 72901

~~Owner~~ or Agent Name (*please print*)

479-783-3395
~~Owner~~ or Agent Phone Number

~~Owner~~ or Agent Mailing Address
Michael G. Johnson, AIA
Architecture Plus, Inc.
907 South 21st Street
Fort Smith, AR 72901

Signed:

~~Owner~~

or

Michael G. Johnson
~~Agent~~

Variance # _____

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Andrews, Brenda

From: Michael Johnson [Michael@archplusinc.net]
Sent: Thursday, September 26, 2013 5:08 PM
To: Andrews, Brenda
Cc: Barry Rowton
Subject: AOG CNG Station, 4465 Savannah Street, Fort Smith - Neighborhood Meeting
Attachments: 201309261702.pdf

Brenda,

Attached is the Sign – In sheet from the Neighborhood Meeting held today, for the variance requests at the above property. Mac Jenkins was the only neighbor at the meeting and had no objections to the requested drive and landscaping variances. His only questions were about how safe the facility will be, which is not an issue for the variance, but Barry Rowton with AOG answered all of his questions, and if the existing tress along the north property line would be remaining, and yes they will remain.
Let me know if you need anything else.

Thanks,
Michael

Michael G. Johnson, AIA, LEED AP
Architecture Plus, Inc.
907 South 21st Street
Fort Smith, Arkansas 72901
Tel: 479-783-8395 / Fax: 479-783-0935
Email: michael@archplusinc.net

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location ARCHITECTURE PLUS, INC.
907 S. 21ST STREET, FORT SMITH, AR

Meeting Time & Date 9/26/2013; 4:00PM

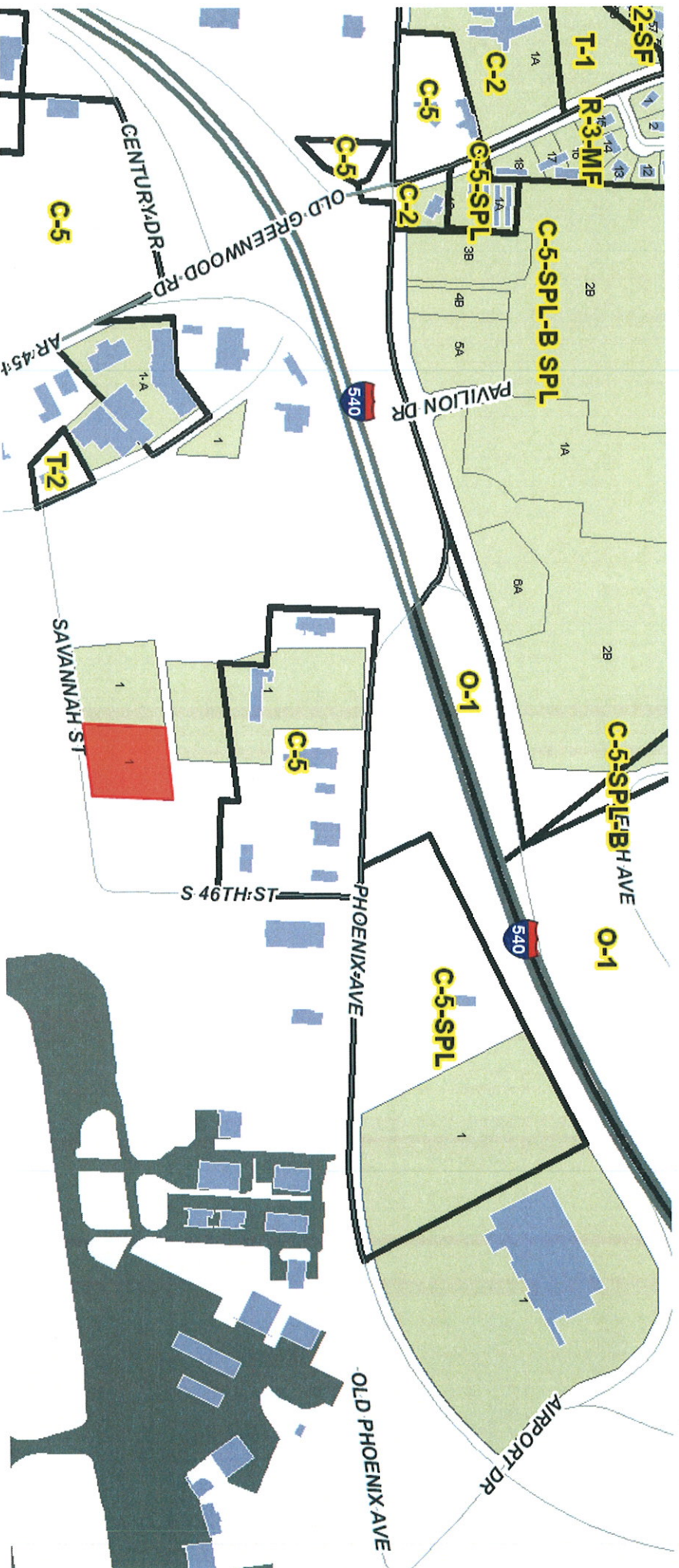
Meeting Purpose DRIVE & LANDSCAPE VARIANCE

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>MICHAEL G. JOHNSON</u>	<u>907 S. 21ST, FSM, AR</u>	<u>479-783-8395</u>
2.	<u>BARRY RAYTOR</u>	<u>115 N. 12TH FSM, AR</u>	<u>479-783-3181</u>
3.	<u>Mac Jenkins</u>	<u>4800 South 46th Street</u>	<u>479-242-2344</u>
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			

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Variance#34-10-13: 1) From 100' to 78' and From 100' to 90' minimum separation between driveways; 2) From Section 27-602-3(B)(1) requiring a 10' wide landscape area located on the property parallel and adjacent to the street right-of-way; 3) From Section 27-602-3(B)(2) landscaping requirement for a small portion of the east property frontage

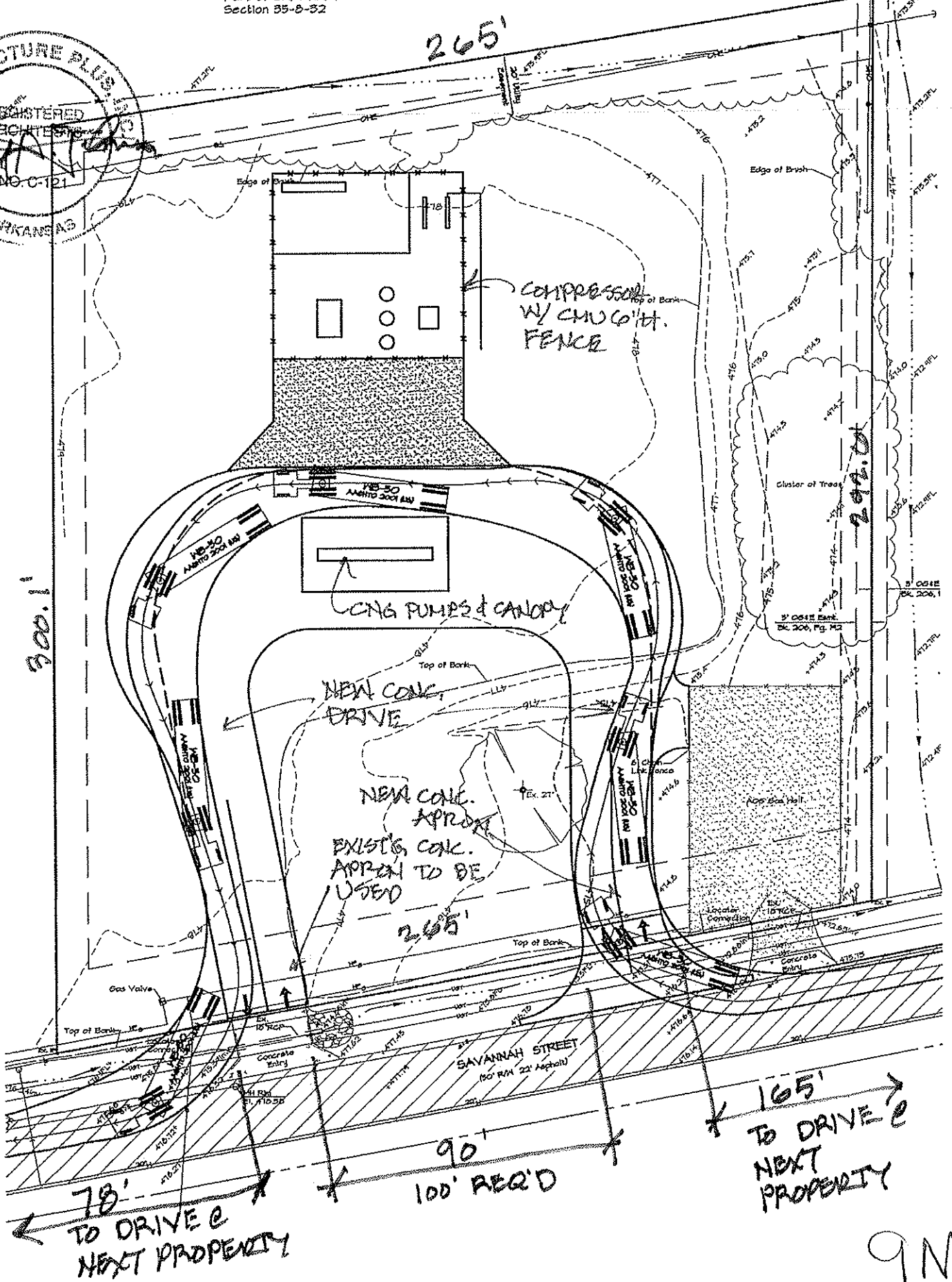
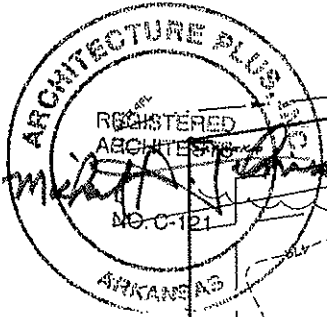
4465 Savannah Street



PRELIM. SITE PLAN
AOG/CNG STATION 4465 SAVANNAH ST.
FORT SMITH, AR

Part of SW/4 NW/4
Section 35-8-32

1" = 40'



9M



AOG - CNG STATION
4465 SAVANNAH ST.
FORT SMITH, AR
9.16.13

a
ARCHITECTURE
PLUS, INC

9N

Memo

To: City Planning Commission

From: Planning Staff

Date: September 25, 2013

Re: Variance #35-10-13 - A request by Bart Petray, agent for Sallye Parker, for Board of Zoning Adjustment consideration of an amendment to a previously approved zoning variance request from 25' to 15' front yard setback at 5610 Enid Street

LOT LOCATION AND SIZE

The subject property is on the south west corner of the intersection of Enid Street and South 57th Street. The tract contains an area of 0.23 acres with approximately 113 feet of street frontage along Enid Street and approximately 116 feet of street frontage along South 57th Street.

EXISTING ZONING

The existing zoning on this tract is Residential Single Family – Duplex Medium/High Density (RSD-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium-to-high density, compact single family detached and duplex development on new sites or as infill construction. Adequate public services and facilities shall be available with sufficient capacity to serve the proposed development. This zoning district is intended to serve as a transition between the lower density single family-duplex districts and the multifamily or commercial districts. RSD-3 zoning is appropriate in urban and suburban areas and primarily applies to the Residential Attached, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings and family group homes are examples of permitted uses.

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet
Maximum Density – 6.7 Dwelling Units/Acre
Minimum Lot Width at Building Line – 60 feet
Minimum Street Frontage – 20 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 25 feet
Side Yard Setback – 7.5 feet
Rear Yard Setback - 10 feet
Minimum building separation – 10 feet

Maximum Height - 35 feet (1+1)
Maximum Lot Coverage - 60%

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Single Family - Low Density (RSD-2) and is developed as single family residences. The areas to the east, south and west are all zoned Residential Single Family – Duplex Medium/High Density (RSD-3) and are developed as single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies both Enid Street and South 57th Street as Local Roads.

LAND USE PLAN COMPLIANCE

The *Master Land Use Plan* currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. Approval of the variance will not conflict with the goals and objectives of the Unified Development Ordinance

REQUESTED VARIANCE

Approval of the variance will allow the property owner to enclose an existing covered patio on the east side of the house (adjacent to South 57th Street) to allow for year-round use as a sun room.

APPLICANT HARDSHIP

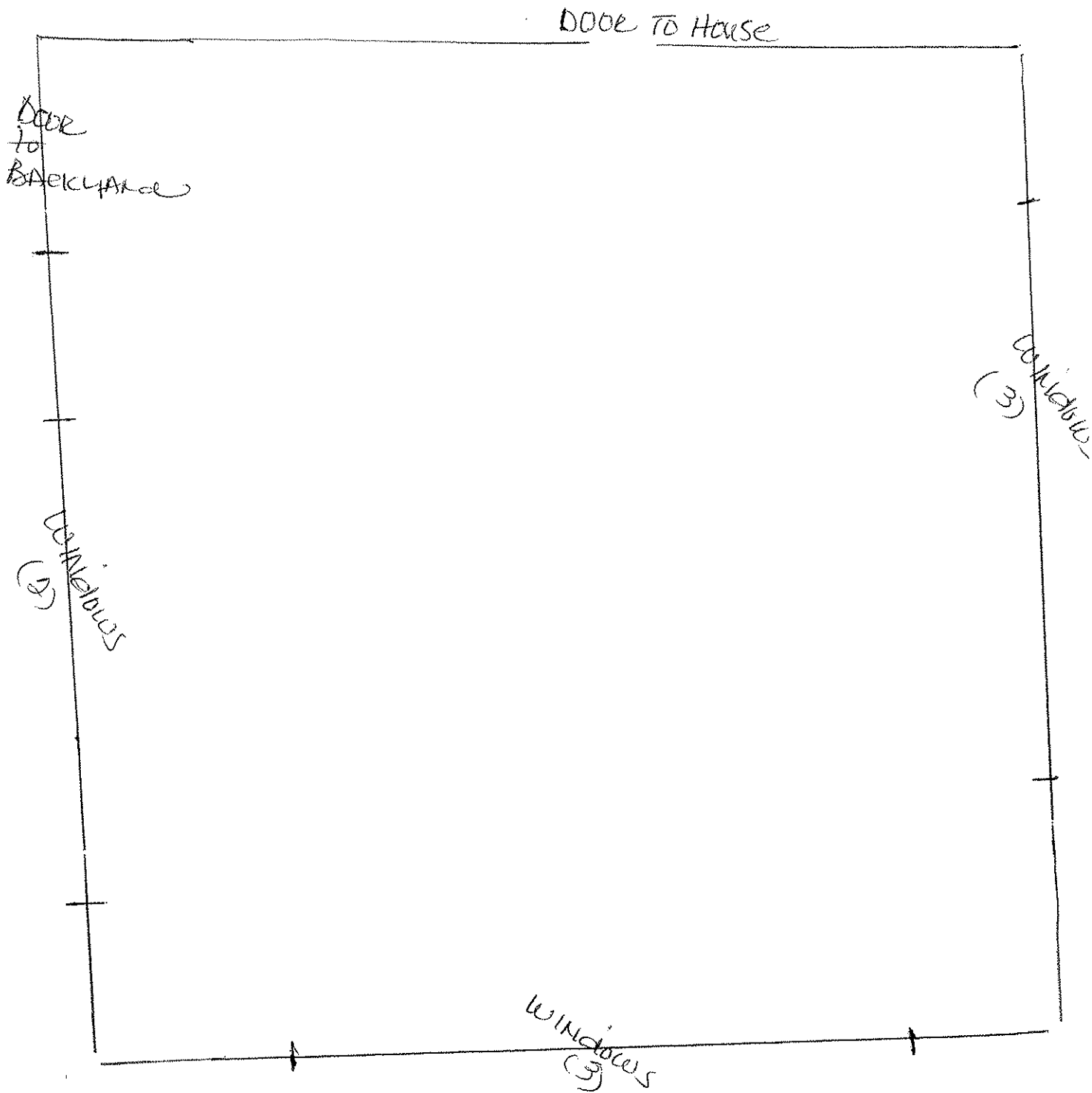
The applicant cites no hardship but states that the variance will result in greatly improved usage.

STAFF COMMENTS AND RECOMMENDATIONS

On May 14, 2013, the property owner, Sallye Parker, received Board of Zoning Approval for a front-yard setback from 25' to 15' to place a cover over the existing patio on the east side of the house. Ms. Parker then decided to enclose the patio to use as a sunroom. Because the original application stated that the purpose of the variance was to construct only a cover over the patio, it is necessary to amend the variance to allow enclosing the patio. In staff's opinion, enclosing the existing patio will not have any adverse impacts on setback encroachment and is in keeping with the spirit and intent of the provisions of the zoning chapter. Staff recommends approval of the variance application to allow the enclosure of the existing covered patio.

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Proposed Patio Enclosure



APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Lot 63, Hardscrabble Way, an Addition to the City of Fort Smith, Sebastian County, Arkansas.

Address of property 5610 South Enid Street, Existing or Proposed

Zoning Classification RSD-3, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

FROM

TO

- | | | | |
|------------|---|--|--|
| <u>25'</u> | - | <u>15'*</u> | Front Yard Setback or Minimum Distance from Right-of-Way |
| _____ | - | _____ | Exterior Side Yard Setback |
| _____ | - | _____ | Interior Side Yard Setback |
| _____ | - | _____ | Rear Yard Setback |
| _____ | - | _____ | Maximum Height of Structure |
| _____ | - | _____ | Minimum Distance Between Structures on the Same Lot |
| _____ | - | _____ | Minimum Lot Area (Square Feet) |
| _____ | - | _____ | Minimum Lot Frontage |
| _____ | - | _____ | Maximum Size of a Sign |
| _____ | - | *Other: <u>to enclose a newly constructed covered patio on the East side of the house.</u> | |

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<u>X</u>	<u> </u>	Is this variance needed because of previous actions taken by yourself?
<u> </u>	<u>X</u>	Is this variance needed because of previous actions taken by a prior owner?
<u>X</u>	<u> </u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u>X</u>	<u> </u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<u> </u>	<u>X</u>	Is the lot of an odd or unusual shape?
<u> </u>	<u>X</u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<u> </u>	<u>X</u>	Does the lot contain required easements other than those that might be located on its perimeter?
<u> </u>	<u>X</u>	Is any part of the lot in a flood plain or flood way?
<u> </u>	<u>X</u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<u> </u>	<u>X</u>	Is the lot developed with structures in violation of current zoning requirements?
<u> </u>	<u>X</u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

10E

Explanation of question #4 (if applicable)

The house has an existing covered concrete patio adjacent to the East side of the house. The owner wishes to enclose the patio to render it more useable during all times of the year.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

No undue hardship will result but year-round use of the patio will be greatly improved.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

None

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20 13.

Signed:

Bart Petray

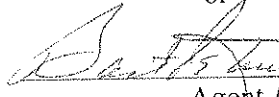
~~Owner or~~ Agent Name (*please print*)

Owner

(479) 474-7916

~~Owner or~~ Agent Phone Number

or



Agent

320 O'Bryan Lane, Van Buren, AR 72956

~~Owner or~~ Agent Mailing Address

Variance # _____

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Variance# 35-10-13: From 25' to 15' to amend a
previously approved front-yard setback to enclose a patio

5610 Enid Street



